| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1204  Responded to: 24 May 2023 |
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Your recent request for information is replicated below, together with our response.

## Press reports state that a variety of police forces in the UK have made payments to GrayShift, or GrayKey and Cellebrite in order to access personal data from phones and other technology.

## Please state whether Police Scotland has made any payments to these concerns in each of the 5 years to 31 March 2023. In the event payments have been made advise the amounts paid in each year.

I am refusing to provide you with the information sought in relation to Cellebrite.

Section 16 of the Act requires Police Scotland to provide you with a notice which:   
(a) states that it holds the information,   
(b) states that it is claiming an exemption,   
(c) specifies the exemption in question and   
(d) states, if that would not be otherwise apparent, why the exemption applies.

The exemptions applicable to the information is as follows:

**Section 35(1)(a)&(b) - Law Enforcement**

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders. Details would confirm the extent of Police Scotland’s use of such products and therefore related capability. That would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. It would allow criminals to plan how best to evade their data being retrieved and therefore maximise their chances of committing serious crime, therefore harming the efficient and effective conduct of the service.

Such information would prove extremely useful information for persons involved in criminality as they would be able to plan and conduct their activities to avoid detection.

In turn this would prejudice substantially the ability for our officers to prevent and detect crime and apprehend or prosecute offenders.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively, and thereby prejudice substantially the prevention and detection of crime.

**Section 39(1) - Health, safety and the environment**

Any tactical advantage to criminals and those intent on wrongdoing would assist them in circumventing the efficient and effective provision of law enforcement by the police service, which in turn would have an adverse impact on the safety of the officers involved and the general public. This would increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

**Public Interest Test**

Public awareness would favour a disclosure as it would contribute to the public debate surrounding the use and deployment of specialist technology by Police Scotland.

However, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

I can further advise that GrayShift/ GrayKey is not used by Police Scotland.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.