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Our Ref: IM-FOI-2022-0998  
Date: 6<sup>th</sup> June 2022



**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

**PART A: BEFORE SIS II (Before April 2015)**

**1. Before the UK joined SIS II, were Interpol alerts on individuals (e.g. notices, diffusions and enquiry forms) regularly used by Police Scotland?**

In response to the question above I can advise that Police Scotland interacted with Interpol alerts as required.

**2. In the calendar year 2014, how many Interpol notices and diffusions were issued or requested by Police Scotland?**

In response to this question I must respond in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation this information is not recorded by Police Scotland, you may wish to contact INTERPOL directly to request this information.

**3. Please provide a step-by-step flowchart describing how Interpol alerts were issued or requested before April 2015, including steps taken by other authorities such as COPFS. If this varied by 'colour' or type of alert please specify this in your response.**

In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation, Police Scotland does not hold any flow chart type document that describes how Interpol alerts were issued or requested prior to April 2015.

Further, Police Scotland do not hold any information regarding another organisations documentation processes.

**PART B: DURING SIS II (April 2015-December 2020)**

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- 1. Please provide a step-by-step flowchart describing how SIS II alerts were issued or requested, including steps taken by other authorities such as COPFS. If this varied by type of alert please specify this in your response.**

Regretfully, I must answer this question similarly to Part A question 3. In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation, Police Scotland does not hold any flow chart type document that describes how SIS II were issued or requested between April 2015 and December 2020.

As noted above, Police Scotland do not hold any information regarding another organisations documentation processes.

- 2. When the UK was part of SIS II, were Interpol alerts on individuals (e.g. notices, diffusions and enquiry forms) regularly used by Police Scotland for communication with non-EU police/authorities?**

As some EU Member states were not part of SIS II Interpol notices would've been utilised to communicate as required.

- 3. Please provide a step-by-step flowchart describing how Interpol alerts were issued or requested between April 2015 and Dec 2020, including steps taken by other authorities such as COPFS. If this varied by 'colour' or type of alert please specify this in your response.**

I must answer this question similarly to Part A question 3. In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation, Police Scotland does not hold any flow chart type document that describes how Interpol alerts were issued or requested between April 2015 and December 2020.

As noted above, Police Scotland do not hold any information regarding another organisations documentation processes.

- 4. From 1 Jan 2015 to 31 Dec 2020, how many Interpol notices and diffusions were issued or requested by Police Scotland? Please provide separate data for each calendar year.**

In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation this information is not recorded by Police Scotland, you may wish to contact INTERPOL directly to request this information

- 5. During the entire period when the UK was part of SIS II, how many SIS II alerts (on individuals only) were issued or requested by Police Scotland in total?**

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In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation this information is not recorded by Police Scotland, you may wish to contact INTERPOL directly to request this information.

**6. For SIS II, please explain what the 'Persons sought to assist with a judicial procedure' and 'Persons and objects for discreet or specific checks' alert types were mainly used for, and what criteria/common situations led to such alerts being issued.**

In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation this information is not recorded by Police Scotland, you may wish to contact INTERPOL directly to request this information.

### **PART C: AFTER SIS II/CURRENT SITUATION (Dec 2020-)**

**1. Please provide a step-by-step flowchart describing how Interpol alerts are issued or requested, including steps taken by other authorities such as COPFS. If this varies by 'colour' or type of alert please specify this in your response.**

In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation, Police Scotland does not hold any flow chart type document that describes how Interpol alerts were issued or requested subsequent to December 2020. Further, Police Scotland do not hold any information regarding another organisations documentation processes.

**2. From 1 Jan 2021 onwards, how many Interpol notices and diffusions have been issued or requested by Police Scotland in total?**

In terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

By way of explanation this information is not recorded by Police Scotland, you may wish to contact INTERPOL directly to request this information.

**3. For Interpol, please explain what are the criteria for issuing Blue and Green notices & diffusions.**

Please be advised that information regarding Interpol notice criteria is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

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- (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.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available at the link below.

<https://www.interpol.int/en/How-we-work/Notices/About-Notices>

- 4. What are the differences between SIS II and Interpol, with regards to what happens when there is a hit/match in a foreign country for a UK-issued alert? E.g. would UK authorities be notified instantly in both cases? If this depends on the type of alert and/or country involved, please disclose all information that Police Scotland holds.**
- 5. Likewise, what are the differences between what happens when there is a hit/match in the UK for a foreign-issued alert?**
- 6. Please disclose any documents or assessments made or received by Police Scotland since 1 Jan 2021, regarding differences in effectiveness and capabilities between Interpol and SIS II alerts.**

In response to the three questions above, I must respond under terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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. In this instance, the following exemptions apply:

**Section 31 (1) – National Security and Defence**

Information is exempt information if it is required for purpose of safeguarding national security.

Disclosure of this information would undermine any ongoing or future operations to protect the security or infrastructure of the United Kingdom and increase the risk of harm to the public.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

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This is a non-absolute exemption and requires the application of the Public Interest Test.

### **Section 32 (1)(a) – International relations**

Information is exempt from disclosure if disclosure would, or would be likely to, prejudice substantially relations between the UK and any other State; relations between the UK and any international organisation or international court; and the interests of the UK abroad.

Police Scotland works in partnership with other agencies in order to combat issues such as terrorism and organised crime. To disclose the information would undermine any such relationships and would place the security and safety of the UK under threat.

This is a non-absolute exemption and requires the application of the Public Interest Test.

### **Section 35 (1)(a) – Law Enforcement**

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

Disclosure of the requested information would impact on the process of investigating this case. One of the main purposes of the Police Service is to prevent crime but to release this information would be contrary to that purpose.

This is a non-absolute exemption and requires the application of the public interest test.

### **Public Interest Test**

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals. Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

It is important to note that the UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, whether protected or not, and will not reveal any information that might jeopardise this goal. To provide details of resources allocated to their protection is likely to place individuals at serious and increased risk.

Accordingly, 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

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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.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.pnn.police.uk](mailto:foi@scotland.pnn.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalrnarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.