| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0436  Responded to: 08 March 2024 |
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Your recent request for information is replicated below, together with our response.

## Dumfries Rally 26/02/2022

## The name of the Police Scotland officer in charge of that day's operation;

Superintendent John Cairns.

## The name (if different) from the PS officer who decided to send such a ridiculous amount of officers and horses on top of it;

I can advise that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, we do not hold any information that matches your criteria.

## The total number of PS officers in attendance along an indication of their respective roles/functions that day;

## The total number of horses;

With regards to providing a list of how and where money has been spent at this location, I would advise that this information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act).

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.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

For ease of reference, your request is replicated below together with the response. Please note the order of your questions have been re-arranged.

The following exemptions are applicable to the above requested information:

**Section 35 (1) (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.

Release of the requested information would adversely impact on the operational effectiveness of the Service. Being aware of officer numbers would allow persons or groups intent on committing offences or causing disorder with the means to make a reasonable assessment of the policing plan at future similar events. This in turn would allow those individuals or groups to make an accurate assessment of the capacity of the Service to deal with incidents at similar incidents, compromising any tactical advantage the police may have over such persons or groups when dealing with any crime or disorder.

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

**Section 39 (1) Health, Safety and the Environment**

The information requested is exempt as its disclosure would or would be likely to endanger the physical health or safety of an individual. As previously described, to disclose the resources utilised at these incidents 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. This would leave members of the public at an increased risk of being the victim of crime, unruly or intimidating behaviour and jeopardise wider community safety.

Further disclosure may have the potential to increase the number of attacks on operational police officers or present a risk to their personal safety.

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

**Public Interest**

It could be argued that disclosure of the requested information would lead to a better informed public, improving their knowledge and understanding of how the Police Scotland provides a key role in protecting the public. This would increase public debate and encourage accountability regarding the delivery of this area of core policing.

That said the subject matter of any information request should not just be of interest to the public, but something which is of serious concern and benefit to the public. It can never be in the public interest to compromise law enforcement which, in turn, may compromise public safety.

The withheld information would indicate how future incidents are policed, ultimately revealing specific operational information. Any such release would either compromise or significantly weaken police tactics and would enable targeted individuals or groups to become aware of such strategies and find ways to circumvent them.

Despite accountability being a factor for release, the need to ensure that the Police can keep the public safe, maintain public confidence and minimise disorder are more compelling factors for non-disclosure. Providing the information would compromise the effective delivery of operational law enforcement. Tactics are likely to be compromised which would hinder the prevention and detection of crime resulting in more crime being committed and individuals placed at risk.

## The estimated cost of the operation.

As you will be aware an individual’s right in terms of the legislation is to obtain information held by a public authority at the time a request is received and there is no obligation on them to create new information specifically for an information request.

In this instance I can advise that Police Scotland does collate the above requested information.

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the total costs relating to policing events such as this are difficult to quantify as the nature of policing means that officers are deployed to wherever their services are most required.

Furthermore, the number of officers required throughout will fluctuate and officers involved can be redeployed to other duties at any time.

## I require all information/data collected by Police Scotland about me on that day.

## All information/data that has emanated since, whether that be audio, video, notes taken, name placed on lists (as well as what those lists are for), etc etc. All data as a result of that rally.

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

The following exemption is considered relevant:

Section 38 (1) (b) – Personal Information

Section 35 (1) (a) & (b) – Law Enforcement

In this instance, if the information was held, 38(1)(b) of the Act would apply insofar as you have requested informationwhich is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.

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.