| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-2788Responded to: 23rd November 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

**I've just witnessed** [**this**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fyoutu.be%2FOL4uRiTa1Io%3Fsi%3DSkK5fsWOrfr7qfQS&data=05%7C01%7Cfoi%40scotland.police.uk%7C6e0209ab639345a849bf08dbd6f023b2%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638340099098143610%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=f9S6hjJanAWnlZMT8WpfoTKOl%2F3koW1hcl7uRnn0YRE%3D&reserved=0) **[link to YouTube video] disgusting abuse of policing powers exhibited by your officers, and realise some time has passed**

**I would like to know, under the freedom of information act, whether there was an investigation into this officers actions, and what the outcome was**

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

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

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting the officers’ right to privacy and honouring their expectation of confidence as regards any conduct information.

* 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
In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested *third party* personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

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 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 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.