| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-2565  Responded to: 09 September 2025 |
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Your recent request for information is replicated below, together with our response.

**I am requesting the disclosure of the Notice of Contravention received on the 6th of March 2025 from the HSE and the response to it.**

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I must advise that at this time, 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.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

**Section 30(b)(i)(ii) – Free and frank provision of advice or exchange of views**

Information is exempt under sections 30(b) if disclosure would, or would be likely to, inhibit substantially:

(i) the free and frank provision of advice or

(ii) the free and frank exchange of views for the purposes of deliberation.

To advise, the matter is ongoing, and final consultations have not yet concluded.

The exemptions in section 30(b) focus on the effect that disclosure of information would have (or would be likely to have) on the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation. The sharing of this content would likely have a negative impact on the effective conduct of public affairs.

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

## Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness. That said, this must be tempered against what is of interest to the public and what is in the public interest.

Although the Act does not define the public interest it has been described as “something which is of serious concern and benefit to the public,” not merely something of individual interest.

I would contend that to release this info now would not be in the public interest as the matter is ongoing and final consultations have not yet concluded. This could serve to provide the public with inaccurate information. In addition, it is essential that there be some scope for privacy of discussion/ communication where it is assessed that disclosure would inhibit the ability of Police Scotland to discuss such matters freely in the future.

It is not appropriate for documents to be made publicly available as this discussion process is vital to ensure that all viewpoints and opinions are gathered in a transparent and open manner without the fear of these workings being released.

As such the balance of the public interest test favours retention of the information.

## 39 (1) – Health, safety and the environment

Disclosure would increase the risk to the personal safety of Police Officers and Police Staff.

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

**Public Interest Test**

Public awareness and accountability would favour a disclosure on this subject as it would contribute to the public debate surrounding the efficient and effective use of resources by the Service. However, in contrast, there is no public interest in disclosing information which is likely to have an adverse impact upon the safety of our staff and the general public.

To provide this info at an incomplete stage could harm officers within custody suites by providing those with intent to harm information that could assist in causing harm and disruption.

Accordingly, on balance, the public interest in disclosing the information requested is outweighed by that in maintaining the exemption detailed above.

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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.