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Our Ref: IM-FOI-2022-2662  
Date: 4<sup>th</sup> January 2023



## **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.

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

The complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database.

PSD manage conduct matters for Police Officers, whilst People & Development (P&D) manage disciplinary matters relative to Members of Police Staff.

Once complaint matters are concluded, the circumstances may be referred for a Conduct Assessment (not necessarily every aspect of the complaint, or every officer involved).

There is therefore potential for the same officer/ circumstances to appear on a complaint case and a conduct case. Due to these processes, the complaints and conduct matters cannot simply be added together.

There can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers relative to each allegation.

Conduct cases may contain multiple allegations, but are limited to one subject officer per case. Subject officers are counted once per case, however the same officer may be subject to multiple cases and therefore may appear more than once.

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

**1. How many police officers/staff in your force have been investigated for breaching Section 127 of the Communications Act from January 2019 to December 2022?**

Between 1 January 2019 and 12 December 2022 inclusive (based on case received dates) a total of 7 officers and staff have been subject to investigation for allegations linked to section 127 of the Communications Act 2003.

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2. **How many police officers/staff in your force have been convicted of breaching Section 127 of the Communications Act from January 2019 to December 2022?**
3. **Of those convicted, what were the offences?**

This question is interpreted to be a continuation of question 1 above.

1 individual has been convicted of two charges of section 127(1)(a) of the Communications Act 2003.

A further 2 individuals have pending cases shown for offences under section 127 of the Communications Act 2003.

4. **Of those investigated, how many are still working?**

This question is interpreted to be a continuation of question 1 above.

Of the 7 officers and staff identified in relation to this question, 4 remain in service with Police Scotland as at 15 December 2022. Please note that this data is dynamic and therefore subject to change.

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.police.uk](mailto:foi@scotland.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, 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.