

Our Ref: IM-FOI-2021-2881  
Date: 24 January 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.

### **Please provide a blank template for a threat to life disruption notice.**

To first provide some context around this subject matter, the police have an obligation to take all reasonable steps to protect the lives of people where there is a “real and immediate” risk to them from the criminal acts of another.

To clarify further, such incidents which are classed as being a ‘real and immediate’ risk; and where the serving of notices is deemed appropriate are documented, for example:

- Threat to life warning notice – Would be considered for issue to a potential “victim” where it is assessed there is credible intelligence that there is a viable threat to that person’s life.
- Personal safety advice warning notice – Would be considered where it is assessed there is credible intelligence that a person may be at risk of personal injury.
- Disruption notice and Disruption Interview Notices – Would be considered for issue to potential perpetrators where there is credible intelligence that persons may be involved in a criminal act.

Turning to your specific request, 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,
- (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.

The exemptions that I consider to be applicable the information requested by you are articulated below;

## **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 information would adversely impact on the operational effectiveness of the Service and in this particular instance, compromise their efforts to protect the lives of individuals.

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

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

Information is exempt information if its disclosure under the Act would, or would be likely to, endanger the physical or mental health or safety of an individual.

The primary objectives of such measures are to preserve the lives of all assessed as immediately involved and ensure public safety, including in terms of both physical and mental health.

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

## **Public Interest Test**

The key test when considering where the balance of public interest lies is to establish whether, in all the circumstances of the request, the public interest in providing the information held is not outweighed by maintaining the exemption(s).

It is important to highlight at the outset that TTL warnings are only given in instances where the police believe that an individual is at serious risk of being harmed by someone who appears to have the capability to make good their threat.

A release under the Freedom of Information (Scotland) Act 2002 is considered to be a release to the world and not just to the person who has requested it. It is, in effect, a public disclosure and as such great care is taken to ensure this does not impact police efforts to protect lives, or is in any way potentially harmful, placing individuals at risk.

The disclosure of the information requested would place a copy of a key police document into the public domain, raising concerns that any determined individual could access it and manipulate it to further their own purpose. The viability of police efforts to stem this activity would be significantly hampered if related documentation could be falsified and made to look genuine, or even where any such suspicion existed.

It is acknowledged that in some cases the provision of a blank template document into the public domain would not be problematic *but* in this instance the policing purpose of the document in question raises a specific risk.

Although it could be argued that public awareness may favour a disclosure as it would contribute to the public debate surrounding the application of these measures, we must first ensure that the release of this level of detail is not inadvertently providing potentially

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harmful information and placing any individual at risk. This is a matter of principle which applies equally to any member of the public who could find themselves subject to this or other protective measures in a variety of circumstances.

In conclusion, it simply cannot be in the public interest for Police Scotland to provide the means to manipulate this process and compromise the ability of the force to effectively fulfil its statutory obligations. On that basis the exemptions are upheld.

If you require further assistance or 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, 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.