

**OFFICIAL**

Our Ref: IM-FOI-2022-2684  
Date: 30 December 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.

**DSAR/FOIR under the Data Protection Act 2018 GDPR and the Freedom of Information Act 2000**

1. Provide details of the man or woman who provided you with my personal data without my lawful consent.
2. Please confirm that the ALL-CAPITALS text in the name and address in the letter you sent is written in the English language. If not, this implies deception.
3. Please confirm that the person referred to in the ALL-CAPITALS name in your letter is [redacted], the flesh and blood man of the family [redacted], an indigenous inhabitant of the land of Scotland.
4. As writing in this manner is not the English language, please provide the name of the Styles manual used to create this style of ALL CAPS text.
5. Which language is being used when you write in this ALL-CAPITALS text as it is not the King's English?
6. Please provide a copy of the wet-ink signed and verified statement of truth, by the man or woman with first-hand knowledge making a claim against the living man [redacted].
7. Please provide a copy of the legislation that says I, a living man called [redacted], has to provide information to you.
8. It is a requirement that all police constables must swear an oath of office to protect and serve the men and women of this country. Are you acting under your Oath of Office as Chief Police Constable in requesting this information from [redacted] the living man?
9. As you are claiming the Office of Chief Constable, please provide a notarised copy of your Oath of Office for a Police Constable signed by Her Majesty the Queen to validate your claim.
10. Please provide a copy of the Royal Assent signed and stamped with Royal Seal, by Her Majesty Queen Elizabeth 2, advertised in the Edinburgh Gazette and the Proclamation date for the Road Traffic 1988.
11. Please provide a copy of your Warrant Card which gives you the authority to act as Chief Constable of Scotland.
12. Please provide your full name, address, contact details and date of birth for me to identify the claimant.

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### **13. Please provide a copy of your PPI indemnity bonds, Back Bonds, Fidelity Bonds as you hold vicarious liability for any injury, loss or harm caused to me, a living breathing man by your actions or the actions of your employees.**

In terms of section 14(1) of the Freedom of Information (Scotland) Act 2002, I am refusing to respond to your request on the basis that I consider it to be 'vexatious'.

'Vexatious' is not defined in the Act but I would refer to the following factors as set out in the Commissioner's guidance:

- (i) It would impose a significant burden on the public authority
- (ii) It does not have a serious purpose or value
- (iii) It is designed to cause disruption or annoyance to the public authority
- (iv) It has the effect of harassing the public authority
- (v) It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.

Furthermore, an authority can reasonably conclude that a particular request represents the continuation of a pattern of behaviour.

It might, in those circumstances, decide the request can be refused as the continuation of the pattern of behaviour makes the latest request vexatious.

This may arise, for example, where a requester has an on-going grievance against a public authority, or could reasonably be described as conducting an extended campaign to the point that their behaviour can be described as obsessive.

It is my assessment that this request has no serious purpose or value.

It follows an increasingly familiar 'template' style letter sent to Police Scotland (mostly in terms of FOI) seeking to challenge our legitimacy, particularly as regards the policing of road traffic matters.

FOI is not a forum for philosophical debate regarding those matters.

The purpose of FOI is to provide a right of access to recorded information and we respond to thousands of requests each year which seek to exercise that right.

We are committed to the principles of openness and accountability and that means focusing on those requests whereby individuals are genuinely motivated by accessing the information we hold.

It is my assessment that overall, your request has no serious purpose or value and in the opinion of a reasonable person, would be considered to be manifestly unreasonable or disproportionate.

I can confirm that your request has the effect of harassing Police Scotland in the circumstances and is both a burden and significant waste of resources.

Notwithstanding the above, and in terms of our section 15 duty to advise and assist applicants, I can advise as follows.

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The Police Constable declaration is set out at section 10 of the Police and Fire (Reform) (Scotland) Act 2012:

*“I, do solemnly, sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable with fairness, integrity, diligence and impartiality, and that I will uphold fundamental human rights and accord equal respect to all people, according to law.”*

Information with regard to the Road Traffic Act 1988 can be found on the Government website: [Road Traffic Act 1988 \(legislation.gov.uk\)](http://legislation.gov.uk)

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.