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Our Ref: IM-FOI-2022-0168
Date: 22 February 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.

1. Whether Police Scotland formally recognises the role of Independent Legal Observers (ILOs) at protests and public assemblies. What is [police force]'s official position regarding ILOs?

Police Scotland work extremely hard to recognise Independent Legal Observers through recognised lines of communication with Protest Liaison Officers. Where it is safe to do so Police Scotland will facilitate their role at protests and public assemblies.

2. What (if any) actions does Police Scotland take to protect the role of Independent Legal Observers at protests and public assemblies.

Police Scotland have statutory and common law powers and duties in relation to policing public assemblies and public processions. European Convention of Human Rights Articles 9, 10 and 11 form the basis of an individual's right to participate in peaceful protest. Police Scotland will provide a lawful and proportionate police response to any protest balancing the needs and rights of peaceful protest against the rights of the wider community.

3. Any training documentation, relevant meeting minutes or internal documents regarding Independent Legal Observers, or used to train officers on how to treat ILOs.

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.

In this instance Section 27(1) - Information intended for future publication applies.

Section 27(1) - Information intended for future publication

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“Information is exempt information if it is held with a view to its being published at a date not later than twelve weeks after that on which the request for the information is made”

In response to your request I can advise you that the Protest Operation Advice document will be published in the next 12 weeks by The National Police Chiefs Council.

4. Any training documentation, relevant meeting minutes or internal documents regarding Independent Legal Observers, or used to train officers on how to treat ILOs in light of COVID restrictions during national lockdowns.

In terms of Section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

By way of explanation, to date no training document is held in relation to ILOs and Covid-19 restrictions during national lockdowns.

However I can advise that all officers deployed during operations in times of national lockdowns complied with Covid-19 health and safety requirements, wore appropriate face coverings in line with both force and government guidance.

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 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 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.