

OFFICIAL

Our Ref: IM-FOI-2022-0916
Date: 2nd May 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) How many officers submitted Applications for Exemption in relation to speeding offences whilst on duty each year from 2016 to 2021 and what proportion of these were accepted by Police Scotland each year.

In regards to 2016 and 2017 I can confirm that this information has met its records retention date and is no longer held. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland. I have included a link below to our records retention schedule for your information:

<https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.pdf>

In regards to 2018 to 2021, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, in certain limited cases which are subject to strict criteria, an exemption for a speeding ticket is granted without an officer needing to submit an application. We do not record a distinction between automatically granted and officer applied for exemptions and so there is no way for this information to be automatically retrieved. The only way to obtain this information would be for a manual review to be conducted of each file.

As part of a previous FOI request it was identified that 13,451 exemptions were granted between 2019 and 22nd October 2021. There will be an additional number of exemptions to add to this total to cover the remainder of 2021. In addition, this only includes the number of exemptions granted and will not include exemptions applied for but declined.

OFFICIAL

OFFICIAL

In this case at least 13,451 records would need to be manually checked. At a conservative estimate of 2 minutes per record, this equates to 448 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

Whilst I would normally suggest that a revised timescale is requested, even reducing the scope of the request to a single year would exceed the cost threshold. You may wish to consider submitting a request for the number of all exemption requests received rather than those specifically submitted by officers.

(2) How many officers from OCCTU North submitted Applications for Exemption in relation to speeding offences whilst on duty each year from 2016 to 2021 and what proportion of these were accepted by Police Scotland.

(3) How many officers from OCCTU Dundee submitted Applications for Exemption in relation to speeding offences whilst on duty each year from 2016 to 2021 and what proportion of these were accepted by Police Scotland.

(4) How many officers submitted Applications for Exemption to OCCTU North in 2020 which were accepted by either DSU Dow or DCI Fotheringham and how many were not accepted by these named officers.

In regards to questions 2, 3 and 4 of your request I must advise that again this information is not recorded in a manner that allows automatic retrieval and that a manual review would be required. I direct you to my response to question 1 and whilst I note that question 4 is asking for a single year, as explained this would still exceed the cost limit set within the Act.

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.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 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.

OFFICIAL

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.