| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0985  Responded to: 11 May 2023 |
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Your recent request for information is replicated below, together with our response.

## Could you please provide me with details of the following:

## 1: How many Police Constables were based within Kirkintilloch Police Office on the 5th December 2018 between the hours of 5pm and 5am?

## 2: How many Police Sergeants were based within Kirkintilloch Police Office on the 5th December 2018 between the hours of 5pm and 5am?

## 3: How many Police Inspectors were based within Kirkintilloch Police Office on the 5th December 2018 between the hours of 5pm and 5am?

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.

With respect to your request I believe the relevant exemptions are Section 35(1)(a) and (b) Law Enforcement and Section 39 (1) Health, Safety and the Environment.

Section 35(1)(a) and (b) Law Enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

The requested information, if disclosed, could be used to calculate how and when resources are allocated. Those with criminal intent may then be in a position to more accurately estimate the resources allocated to locations at certain times, this could endanger the wider public and potentially officers themselves.

This is a non-absolute exemption and requires the application of the public interest test.

Section 39 (1) Health, Safety and the Environment.

The disclosure of the information requested has the potential to increase the number of attacks on public figures, operational police officers and members of the public. Disclosure of the requested information has the potential to present a risk to an individual’s personal safety.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

It is important to note that the UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any terrorist threats in the past. The police service has a duty to promote the safety of all individuals, whether protected or not, and will not reveal any information that might jeopardise this goal. To provide details of resources allocated to their protection is likely to place individuals at serious and increased risk.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.