| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-2306Responded to: 08 August 2025 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## I am seeking to confirm the identity and role of a police officer associated with a case I am involved in. I hold the officer’s collar number, which is PC D1669, and would appreciate information that clarifies:

## The officer’s name […]

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the exemption set out at section 38(1)(b) of the Act applies - personal data.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’.

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’.

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’.

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information, I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is considered that disclosure of the information sought would be unlawful.

## […] and rank.

PC D1669 is a Police Constable.

## The division or department they are currently assigned to.

PC D1669 is a Police Constable within Response Policing, based in Dundee.

## Their role in relation to my case, if applicable.

In terms of section 18 of the Act, I am refusing to confirm or deny whether Police Scotland holds the information sought.

Bearing in mind that FOI disclosures are essentially public disclosures, the public interest overwhelmingly lies in protecting individual’s rights to privacy and the integrity of any police investigations.

Any response other than this would confirm, publicly, whether or not you were involved in a police investigation in some capacity - by confirming the existence of ‘your case’.

If the information was held, it would be exempt from disclosure in terms of at least one exemption set out in the Act. In this instance, the following exemptions apply:

Section 34(1)(b) - Investigations

Section 35(1)(a)&(b) - Law Enforcement

Section 38(1)(a) - Personal Data (applicant’s own)

Section 38(1)(b) - Personal Data (third parties)

## If they have appeared on the Barred List.

The barred list includes all officers, special constables and staff members who have been dismissed from policing after investigations under the Police (Conduct) Regulations 2020 or Police (Performance) Regulations 2020.

It therefore relates to dismissals from police forces in England and Wales only.

In relation therefore to whether PC D1669 appears on the list and has therefore been dismissed from a police force in England or Wales, I am refusing to confirm or deny whether the personal information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

* It would be contrary to the public interest to reveal whether the information is held.
Whilst we accept that you may have a particular personal interest in being informed as to whether the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and their expectation of confidence as regards their information.

I would stress that we would offer an identical response to this question, irrespective of which police officer it related to.

* If the information was held, it would be exempt from disclosure. In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested *third party* personal data, the disclosure of which would contravene the data protection principles set out in the Act.

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 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 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.