

Our Ref: IM-FOI-2022-1068  
Date: 13 June 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.

***Required frequencies of monitoring visits to RSO homes. I believe this is specified in a Standard Operating Procedure. Please identify the name of the specific SOP. Please provide a link to enable me to read the document. Alternatively, please email the whole document to me.***

To explain there is no Standard Operating Procedure that explains monitoring procedures of Registered Sex Offenders. This information is held and I can advise this is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

The exemptions that I consider to be applicable to the information requested by you is section

### **Section 35(1)(a)&(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.

In terms of the Sexual Offences Act 2003, an RSO is compelled to register with the Police. The purpose of this registration is to enable the police and other relevant authorities to supervise and monitor RSOs with a view to assessing the risk of them re-offending.

In essence, this strategy of supervision and monitoring is aimed at preventing RSOs from committing a similar offence and protecting the wider community from any risk they pose. It relies on the compliance of RSOs with such supervision, in order that they can be adequately monitored and assessed. Providing this information would expose tactical considerations, compromise the policing of RSO's and increase risk in communities.

It is important to bear in mind that that any disclosure under FOISA is a disclosure to the world at large, as it places the information requested into the public domain.

### **Section 39(1) - Health and Safety**

Information is exempt information if its disclosure could or would be likely to endanger the physical or mental health or safety of an individual.

Disclosure could lead to a serious detriment to the mental wellbeing of a RSO as well as a significant risk that they will come to serious physical harm. There are many examples of this having occurred across the UK.

Disclosure would also harm the mental health of an RSO, in the sense that they would, as a minimum, be living in fear of being widely identified and possibly absconding as a result.

***Formal Statement of why Lanark Police Station was closed on Mon 21 March 2022 at 12:30 hrs, when it should have been open; "Open 24hours 7 days / Closed 13:30-14:30 Lunch" as stated in [Scotland.police.uk/contact-us/police-station-opening-hours/#Lanarkshire](https://scotland.police.uk/contact-us/police-station-opening-hours/#Lanarkshire) (footnote advising some stations shut for 1 hour at 12:30 does not apply) Instead of being open, the door was locked with a notice advising simply: "Front Desk Temporarily Closed/In Emergency Call 999 / Otherwise Call 101" Why was it not indicated what time (or what date) it would re-open?***

In terms of the Freedom of Information (Scotland) Act 2002 a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires opinion is not in essence a valid request.

In this instance and to be of assistance I can confirm that Lanark Police Station was closed on 21 March 2022. This was a dynamic decision approved by the on duty Inspector, to preserve operational resilience in deployed resources.

In such circumstances, local procedure dictates that persons due to attend the station by appointment, are notified in advance and alternative arrangements agreed.

Should you require any further assistance please contact Information Management - Glasgow at – [foi@scotland.police.uk](mailto:foi@scotland.police.uk) – 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, Dalmarock, 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.

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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.