| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-1648Responded to: 25th July 2025 |
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Please, first of all, accept my sincere apologies for the delay in providing a response to your request.

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

## I would like a copy of all correspondence between Police Scotland and the organisers of the TRNSMT music festival in regards to the band Kneecap and their 2025 performance which has now been cancelled.

In response to this part of your request, please see the attached document.

You will note that information has been redacted and I can confirm that further data has been withheld entirely. I am refusing to provide this information in terms of section 16(1) of the Act on the basis that the following exemptions apply:

**Section 38(1)(b) - 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 and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject. On that basis, it is my view that disclosure of the information sought would be unlawful.

This is an absolute exemption and as such does not require the application of the Public Interest Test.

**Section 30(c) – Prejudice to the Effective Conduct of Public Affairs**

In this instance, email addresses and telephone numbers cannot be disclosed. Disclosure would negatively impact on the operational effectiveness of the service. The email address is used for operational/ business purposes and has been removed in order to ensure that those processes are protected.

This is a non-absolute exemption which requires the application of the Public Interest Test.**Public Interest Test**

Release of e-mail addresses and telephone numbers which are not in the public domain could negatively impact on the operational effectiveness of Police Scotland and other agencies. Accordingly, and to ensure that internal processes are protected this information cannot be provided. There can be no public interest in disclosing information which would make it more difficult to offer an efficient and effective service.

**Section 31(1) – National Security and Defence**

**Section 35(1)(a)&(b) – Law Enforcement**

**Section 39(1) – Health, Safety & the Environment**

Disclosure of operational tactics and intelligence gathered would prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders, the ability of Police Scotland to keep people safe from harm and the ability to safeguard national security.

Disclosure would assist groups, organisations and those with hostile intent by providing them with a tactical advantage when planning or perpetrating any unlawful activities, whereby maximising the impact of destruction, harm and disruption that may be caused, whilst avoiding being brought to justice.

**Public Interest Test**

As you will be aware, the three exemptions detailed above are non-absolute and require the application of the public interest test.

Public awareness would favour a disclosure as it would contribute to the public debate surrounding the removal of Kneecap from the music festival, TRNSMT’s, line-up.

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. The public entrust the Police Service to make appropriate decisions regarding their safety and protection and the only way of reducing risk is to be cautions with what is placed into the public domain.

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 this specific information.

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](https://www.foi.scot/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.