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Our Ref: IM-FOI-2022-0684
Date: 13th April 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.

In regards to IM-FOI-2021-2807:

Due to the length of time that has now elapsed, I would very much like the following to be considered as a separate request under the terms of FOISA. I wish to be provided with any and all held information relating to the handling/processing of my initial FOI request and subsequent review.

This would include, but not be limited to written correspondence both within the department concerned and inter-departmental. Thanks.

I note that your request covers both the initial request submitted for IM-FOI-2021-2807 as well as the internal review.

Please find attached the requested information. For ease of reading I have elected to provide the correspondence held in regards to the initial request and the internal review separately as attachment 01 and attachment 02 respectively.

Please note that any attachments within emails have been checked and I can confirm they are either provided with the response, or have already been provided to you by way of responses to your initial request/review. For example, the draft response documents are the same as the ones in our final response.

I must advise that it has been necessary to withhold some of the information requested, therefore, 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.

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I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

Section 30(b) – free and frank provision of advice or exchange of views

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

Section 38(1)(b) – Personal Information

Section 30(b) – free and frank provision of advice or exchange of views

Information is exempt under sections 30(b) if disclosure would, or would be likely to, inhibit substantially:

- (i) the free and frank provision of advice (section 30(b)(i)) or
- (ii) the free and frank exchange of views for the purposes of deliberation (section 30(b)(ii)).

The provision of advice between staff in relation to a specific subject matter, as well as the exchange of views on both operational and corporate considerations take place routinely for much of our policing business. This documents our thinking and deliberation on the issues raised and our final decision making.

If released, those deliberations, including the subject matter discussed would be substantially inhibited, prejudicing the ability to respond effectively to sensitive issues and require the Service to assess correctly the harm in any potential future disclosure.

Pre-empting these decisions by releasing information into the public domain is likely to frustrate this process and would inhibit the manner in which those issues are debated, effectively undermining the ability to ensure that there is sufficient opportunity to ensure all potential concerns and viewpoints are accurately identified and addressed.

Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

That said, disclosure would harm the efficiency and effectiveness of the Service and the flow of information to the Service would be harmed by release of such information. If individuals were unwilling to contribute to such deliberations or put forward proposals in the future fearing their initial views were publicly attributable, or in case any non-factual information was disclosed prior to matters being finalised, any efforts to achieve honest opinions, would be hindered and as such the balance of the public interest test favours retention of the information.

Section 30 (c) - Prejudice to the Effective Conduct of Public Affairs.

Where necessary some internal names / telephone numbers and email addresses have been redacted. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of various departments and external partner agencies. While it is acknowledged that the disclosure of this information would support transparency and better inform the public as to how the Service conducts its business, there are already established routes for the public to make contact with the police and the disclosure of these additional details would not support the effective conduct of public

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affairs. As a result, section 30(c) of the Freedom of Information (Scotland) Act 2002 is engaged.

Section 38(1)(b) – Personal Information

Any information that could lead to the identification of individuals has been redacted. This is in accordance with Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – Personal Information.

This mainly relates to the name and email addresses of persons who are outside Police Scotland and any staff member within Police Scotland of a more junior role (below the rank of Superintendent or Head of Department). Those of a more senior rank have been included as it is deemed within the public interest to do so.

As such, the processing would be unfair and unlawful in respect of the individuals concerned and would therefore be in breach of the first principle of the Data Protection Act 2018. This is an absolute exemption, which does not require a public interest test to be conducted.

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.

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.