

**OFFICIAL**

Our Ref: IM-FOI-2022-1323  
Date: 14 July 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.

**I submitted formal complaints to police Scotland in respect of failure to adequately deal with unacceptable behaviour if drivers on a mini roundabout close to my home. The matter was referred to PIRc although the issue remains unresolved in spite of agreement to update me at monthly intervals I subsequently complained again to police Scotland and yet to have an acceptable response. Please provide me with all information in all forms including officers notes and electronic messages between officers including contacts with traffic division and South Lanarkshire council. Following my complaint to PIRc officers were deployed to the location in question and reported back that they observed no issues. The identity of these officers are extremely important to me in order that I progress my complaint. I can see no good reason for that information to be withheld.**

We asked you to clarify as follows:

**I appreciate you have made prior FOI requests but we cannot make assumptions in our interpretation, nor can we cross refer any FOI requests with other, personal information held - such as complaints you may have made etc. You ask for [...] but you do not say what subject matter that information should be about. Please can you reword your request and provide both a subject matter and a time period for the officer notes and emails sought.**

**Assuming this request relates to what could be described as alleged road traffic issues and driver behaviour at or near to a mini roundabout at the junction of Blacklaw drive and Mount Cameron Drive North East Kilbride, I note that request 22-0393 covered the period up to and including February 2022.**

You subsequently provided:

**Please provide all information in all forms including officers notebooks and records of internal correspondence in respect of my complaints in respect of issues surrounding driver behaviour and officers behaviour regarding a mini roundabout at the junction of Mount Cameron Drive North and Blacklaw Drive East Kilbride .**

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I'm afraid that the clarification you have provided leaves me with no option but to refuse to confirm or deny whether Police Scotland holds the information sought in terms of section 18 of the Act.

You have asked for information held about complaints you have made to Police Scotland.

Any other response would therefore *publicly* confirm whether or not you had made a complaint.

An individual's own personal information is exempt from disclosure in terms of the exemption at section 38(1)(a) of the Act and the public interest overwhelmingly lies in protecting your right to privacy.

I understand that the statement above may seem unhelpful in the circumstances but I would stress that FOI is not the appropriate means for requesting information in relation to personal matters or grievances.

I note we responded to a subject access request from you regarding this matter a few weeks ago - our reference OSAR-22-1469 which I trust was of assistance.

In terms of our section 15 duty to advise and assist applicants I would reiterate that if you are seeking information about complaints you have made or other interactions with the police, mentioning FOI in your requests will almost certainly result in a section 18/ 38(1)(a) 'neither confirm nor deny' type response.

Subject access legislation allows for a personal rather than public response to be provided and your identity is therefore taken into account.

It is likely, given what you describe above and also having considered your previous FOI requests that any information held in relation to '*issues surrounding driver behaviour regarding a mini roundabout at the junction of Mount Cameron Drive North and Blacklaw Drive East Kilbride*' might be personal to you.

However, you might be interested in a more *general* FOI request - for example, how many incidents coded as *road traffic matter* or *road traffic collision* were recorded on our STORM command and control system at Mount Cameron and Blacklaw drive in 2021 & 2022 to date etc.

If you do decide to submit another FOI request, my advice to you would be to disregard any personal dealings you may have had with Police Scotland regarding this matter and express your request in the most general terms possible.

FOI is not an appropriate route for the pursuance of complaints or other matters and you may wish to consider whether a complaint might be more appropriate in the circumstances:

[Complaints - Police Scotland](#)

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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](mailto:foi@scotland.pnn.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalrnarnock, 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](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.