

Our Ref: IM-FOI-2022-0774
Date: 21 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.

The demographic breakdown of applications to Police Scotland from April 2021 to present (clarified as gender and ethnicity)

There were 2,237 Applicants between 1 April 2021 and 30 March 2022, broken down as follows:

Female Applicants	754
Male Applicants	1,478
Choose Not to Disclose/ Non-Binary/ Intersex	5

Asian, Asian Scottish or British (Chinese, Bangladeshi, Indian, Pakistani)	42
African, Other	11
Caribbean, Caribbean Scottish or British Black, Black Scottish or British	3
Black, Black Scottish or British	3
White Irish	12
White Polish	49
Mixed/Other Ethnic Group	25
White Other Ethnic Group	65
White British	2017
Choose not to Disclose / No Value	10

The demographic breakdown of recruits who have progressed into each intake to Police Scotland College during this time period.

Intake date	Jun-21	Sep-21	Nov-21
Female officers	90	62	50
Male officers	90	80	70
Asian (Chinese, Bangladeshi, Indian, Pakistani)	3	4	4
African, Other	1	1	1
White Irish			1
White Polish	6	4	3

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Mixed/Other Ethnic Group	2	1	3
White other Ethnic Group	6	3	4
White British	162	126	101
Choose not to disclose		3	3
Total number of recruits			
	180	142	120

The demographic breakdown of recruits who do not pass out at Police Scotland College and those who go on to complete their probationary period.

A probationary constable would 'pass out' from Police Scotland Training College at 12 weeks and so your request has been considered in terms of individuals who left the organisation with less than 12 weeks service and who therefore would not have passed out from the college.

As this amounts to fewer than five individuals, we are of the view that the information sought could be regarded as *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'

On that basis, we consider the information sought to be exempt from disclosure and section 16 therefore 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.

I can confirm that Police Scotland holds the information that you have requested.

The exemption that I consider to be applicable to the information requested by you is section 38(1)(b) - Personal Data.

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 set out at Article 6(1)(f) which states:

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'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.

Some of the personal data in question is *special category* personal data as it would reveal information about an individual's racial or ethnic origin.

Article 9 of the GDPR only allows special category data to be processed in very limited circumstances and it is assessed that none of those circumstances are relevant here.

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

Should you require any further assistance please contact Information Management - Dundee on 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 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.

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