| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1826  Responded to: 11 July 2025 |
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Your recent request for information is replicated below, together with our response.

**This is an FOI query. Regarding this document:** [**https://x.com/JackMerched/status/1926370956173312472**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fx.com%2FJackMerched%2Fstatus%2F1926370956173312472&data=05%7C02%7Cfoi%40scotland.police.uk%7Ce67fa1e6edcc43d7f71a08ddaa59e1b0%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638854025236725972%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=NbaIz2nmSByubylHM3lEsgKBu87Srk6D5OhhFgg2t8A%3D&reserved=0)

**I received the following reply on May 28 from Police Scotland when I enquired about this - A Police Scotland spokesperson said: “The content does not reflect the views of Police Scotland and has been removed. “Advice will be given around the use of language.”**

**1-Can you please tell me when this document was put into circulation eg on the force intranet?**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies.

To explain, the document has since been removed and the date added is no longer held on the system.

To assist, I can confirm that we are aware the document was uploaded to a local Divisional intranet page in the month of May 2025.

**2-Can you tell me please the day and time of removal and where it was removed from?**

The document was removed from a local Divisional intranet page on 27 May 2025, immediately once made aware.

The exact time of removal is not held by Police Scotland and section 17 of the Act therefore applies.

To explain, as the document is removed the exact time removed is no longer held on the system.

**3-Who wrote the document and who authorised its circulation?**

The name of the document author is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the exemption set out at section 38(1)(b) of the Act applies - 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, I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

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

There was no authorisation required at the time for the addition of self-authored documents to the intranet. The information sought is not held by Police Scotland and section 17 of the Act therefore applies.

Further additional governance has now been put in place to ensure relevant authorisation and review prior to the circulation and internal publication of documents.

**4-If you cannot give names, please give ranks or job descriptions.**

Police Constable

**5-Please also provide details of any disciplinary process that was instigated following this incident and the outcome.**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. To explain, there was no disciplinary process instigated.

**6-Please provide the advice that was given around the use of language.**

The learning that was identified from the above has been appropriately highlighted and further additional governance has been put in place to ensure relevant authorisation prior to the circulation and internal publication of documents. When required, this also includes consultation with the Police Scotland Equality and Diversity Unit.

**7-Please provide any internal memos such as emails which were written in response to media coverage of this story eg** [**https://www.dailymail.co.uk/news/article-14758737/Police-accused-Nazi-slur-against-feminist-campaigners-new-trans-row.html**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dailymail.co.uk%2Fnews%2Farticle-14758737%2FPolice-accused-Nazi-slur-against-feminist-campaigners-new-trans-row.html&data=05%7C02%7Cfoi%40scotland.police.uk%7Ce67fa1e6edcc43d7f71a08ddaa59e1b0%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638854025236773665%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=Iz2a%2Bb%2FDN06%2BLsw0O1tD6KWns4v%2BAmGSYXjJ9KCIXys%3D&reserved=0)

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process this part of your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, the only way to provide an accurate response would be to conduct research across several individual and team mailboxes. Given the volume of mailboxes this exercise would far exceed the cost limit set out in the Fees Regulations.

**8 -Was the Chief Constable aware of the document (i.e.**[**https://x.com/JackMerched/status/1926370956173312472**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fx.com%2FJackMerched%2Fstatus%2F1926370956173312472&data=05%7C02%7Cfoi%40scotland.police.uk%7Ce67fa1e6edcc43d7f71a08ddaa59e1b0%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638854025236800519%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=eGWyUtpUl9QT9q2Hkc107YL6ZYFuU8bhZl4LbDWZj%2FY%3D&reserved=0)**) before it was put into circulation?**

The Chief Constable was not aware. These documents are self-authored and for clarity are not overseen by the Chief Constable.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@foi.scot) 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.