| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-2730  Responded to: 3rd October 2025 |
| --- | --- |

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

**I request the following information regarding [named police officer]:**

1. **Whether any disciplinary procedure or investigation under Police Scotland's Professional Standards procedures (or equivalent) is currently ongoing against [named police officer], following her criminal trial at Glasgow Sheriff Court in relation to charges of assault to injury and danger of life, culpable and reckless conduct, failure to stop and provide details, and failure to report the incident to a police station (stemming from an incident on 17 November 2023 in Springburn, Glasgow).**

**If such a procedure is ongoing, please provide the current status (e.g., active investigation, hearing scheduled, or concluded).**

I am refusing to confirm or deny whether the personal information sought exists or is held by Police Scotland in terms of section 18 of the Act. Section 18 applies where the following two conditions are met:

* It would be contrary to the public interest to reveal whether the information is held.  
  Whilst we accept that you may have a particular personal interest in being informed as to whether the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and their expectation of confidence as regards their information.
* If the information was held, it would be exempt from disclosure. In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested *third party* personal data, the disclosure of which would contravene the data protection principles set out in the Act.

This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.

1. **Details of the circumstances within Police Scotland that led to [named police officer] being charged with the aforementioned criminal offences and appearing in court, including:**

* **The initial internal reporting or complaint process that resulted in the referral to the Procurator Fiscal.**
* **Any internal investigation conducted by Police Scotland prior to criminal charges being brought.**
* **Identification of key individuals or roles within the force (e.g., supervising officers, Professional Standards Department personnel, or divisional commanders) involved in the decision-making process that led to her being reported to the Procurator Fiscal or charged.**

**Please anonymise personal details if necessary to comply with data protection requirements, but include ranks, departments, and any relevant actions taken.   
If any part of this request is likely to exceed the cost limit under, or if exemptions apply please advise me on how to refine.**

Information regarding the circumstances is held by Police Scotland, but I am refusing to any information in terms of section 16(1) of the Act on the basis that the following exemptions apply:

**Section 34(1)(b) – Investigations**

Information is exempt if it has at any time been held by Police Scotland for the purposes of an investigation which may lead to a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted.

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

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively and thereby prejudice substantially the prevention and detection of crime.

Both exemptions above require the application of the public interest test.

**Public Interest Test**

While it could be argued that disclosure would favour public interest as it would enhance scrutiny of decision-making processes and thereby improve accountability and participation. I would contend that the public interest in withholding the information outweighs the public interest in disclosing it.

The efficient/ effective conduct of the service and protecting the integrity of investigations favours retention of the information as it cannot be in the public interest to release information that would prejudice the Force’s future law enforcement.

**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, 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.

This is an absolute exemption and does not require consideration of the public interest test.

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.