

**OFFICIAL**

Our Ref: IM-FOI-2022-0714  
Date: 25<sup>th</sup> 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.

**I am looking for some assistance, in particular, I am carrying out enquiries in relation to the involvement of Police officers who were accommodated from their original Police stations to reside within Glasgow during Cop 26. I have been advised officers were given less than 28 days notice that they would be required to carry out operational duties over 200 miles away from their home station and as such the decision was made for them to be accommodated.**

**In particular, I am looking for all correspondence, documents, emails, minutes for meetings held in relation to securing the booking at Premier Inn, Charing Cross, Glasgow for the period Friday 29 October 2021 - Monday 15 November 2021 and who secured the booking and if any issues were advised by Premier Inn.**

**Police Officers were given welcome packs when they checked into the hotel. I have been advised at this time, no mention was made of the heating being broken or available oil heaters to assist with the temperature of the bedrooms.**

**Police Officers raised complaints with staff members within Premier Inn, Hotel liaison officers, Federation representatives and Supervisors of the issues with the heating system within the hotel with no offer for heaters made.**

**Police officers were latterly given oil heater's as a sufficient means to increase the temperature within each individual hotel room and advised by staff members they could be left on unattended for an unlimited period of time however this was then amended to only when the occupant was within the room.**

**Furthermore, when Police officers returned to their home stations and claims were submitted regarding the minimum standards due to the heaters supplied not being able to maintain a comfortable living environment in November these claims were refused on the basis of a decision made by Silver Commander, Logistics Lead and DCI Steven McGovern. It was reported health and safety attended and carried out and investigation following the complaints raised by Police officers residing within the hotel.**

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**Please can all correspondence, paperwork, documents, emails, minutes of meetings, health and safety assessments of Premier Inn, Charing Cross, Aberdeen for the above date, as well as the training records held for the assessor who completed the assessment, held by Police Scotland regarding this decision be released to myself for further investigation.**

**I am aware there are a portion of Police officers who resided within the Premier Inn, Charing Cross, Glasgow who have received full compensation payments regarding their minimum standards claims for the same period of time as detailed above.**

Following a clarification request you confirmed the following:

**The hotel I refer to is Premier Inn Charing Cross, Glasgow and confirm this was a typing error on my behalf.**

**I request all information held for the booking of the Premier Inn, Charing Cross, Glasgow for the event Cop 26 for the period 29 October - 15 November 2021 including whom the booking was made by and any issues raised by Premier Inn at the time of booking.**

**I request all information held in relation to a health and safety assessment which I believe took place on an unknown date between 29 October - 15 November 2021 at Premier Inn Charing Cross, Glasgow as a result of a number of complaints made by Police Officers due to the failure in the heating system.**

**Additionally, I would like a copy of the health and safety assessor's training record in relation to them being trained to a standard suitable to carry out health and safety assessments within a hotel and more accurately, the heating system.**

**As mentioned within my initial contact form, when Police Officers returned to their home stations and submitted claims in relation to the minimum standards not being met, they were advised a meeting was held by command officers and the decision was made that minimum standards claims would be rejected. My request relates to any correspondence, minutes of meetings, paperwork, emails regarding the full disclosure of this decision.**

**Please can I be advised of the number of Police officers who made minimum standards claims for Premier Inn, Charing Cross, Glasgow and have indeed had these processed and received financial gain.**

I am going to address each of your points in turn.

**I request all information held for the booking of the Premier Inn, Charing Cross, Glasgow for the event Cop 26 for the period 29 October - 15 November 2021 including whom the booking was made by and any issues raised by Premier Inn at the time of booking.**

Police Scotland did not directly book accommodation. A government supplier booked accommodation for all public bodies for the events. Police Scotland was not made aware of any issues at the time of booking.

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As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

**I request all information held in relation to a health and safety assessment which I believe took place on an unknown date between 29 October - 15 November 2021 at Premier Inn Charing Cross, Glasgow as a result of a number of complaints made by Police Officers due to the failure in the heating system.**

Please find the requested report attached.

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.

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 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 names 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.

In regards to the first email mentioned within the report, namely the email at 06:09 on 03/11/2021. I can confirm that this email is no longer held.

In regards to the second email mentioned within the report, namely the email at 13:24 on 03/11/21. I can confirm that this email is no longer held.

In regards to the third email mentioned within the report, namely the email at 14:40 on 04/11/2021. I can confirm that this email is no longer held.

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In regards to the emails and in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

**Additionally, I would like a copy of the health and safety assessor's training record in relation to them being trained to a standard suitable to carry out health and safety assessments within a hotel and more accurately, the heating system.**

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with a copy of the training record of the staff member who carried out the health and safety assessment at the Premier Inn, Charing Cross, Glasgow hotel.

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.

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.

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 set out at 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'*

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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.

**As mentioned within my initial contact form, when Police Officers returned to their home stations and submitted claims in relation to the minimum standards not being met, they were advised a meeting was held by command officers and the decision was made that minimum standards claims would be rejected. My request relates to any correspondence, minutes of meetings, paperwork, emails regarding the full disclosure of this decision.**

I can confirm that in regards to these specific set of claims, a Microsoft Teams discussion took place. Given the comments from Health & Safety in regards to their visit, the fact the hotel had advised that heaters within the room remain on all day and that additional duvets were available, it was decided that no minimum standards payment be made. No minutes etc. of this discussion were taken.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

**Please can I be advised of the number of Police officers who made minimum standards claims for Premier Inn, Charing Cross, Glasgow and have indeed had these processed and received financial gain.**

I can confirm that in total 17 officers made claims in regards to minimum standards at the Premier Inn, Charing Cross, Glasgow hotel.

5 of these claims were processed in error and paid to the officers concerned. 12 were returned unpaid.

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, 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](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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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.