

OFFICIAL

Our Ref.: FOI 22-1596
Date: 11 August 2022



Freedom of Information Request - Response

I refer to your recent correspondence stating that you are representing a third party.

As you are seeking information with regard to third party personal data sections 38(1)(b) and 38(1)(2A) of the Act applies which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

You can submit a Subject Access Request (SAR) for your clients own personal data to be dealt with by our Data Protection team. Please be advised that a signed mandate from your client would be required.

Further information can be found on our website: [Data Protection - Police Scotland](#)

Because you mentioned FOI in your request, we are required by law to provide a response in terms of the Freedom of Information (Scotland) Act 2002 specifically.

An FOI response is a *public disclosure* and so it is not usually possible to disclose information about particular individuals or related investigations. Your identity, and any relationship you may have to the parties involved cannot be taken into account.

In terms of section 18 of the Act, I am therefore refusing to confirm or deny whether the information sought is held by Police Scotland.

The public interest overwhelmingly lies in protecting individuals' right to privacy and honouring their expectation of confidentiality. Furthermore, third party personal data - where it is assessed that disclosure would contravene the data protection principles as defined in the Act, is exempt from disclosure in terms of section 38(1)(b) of the Act.

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](#) 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](#), by [email](#) 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](#) in seven days' time.