

**OFFICIAL**

Our Ref: IM-FOI-2022-0890  
Date: 13<sup>th</sup> May 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 would stress that the information provided below has been generated from the Police Scotland Coronavirus Information database.

The application was designed for management information purposes only and relied upon police officers manually recording relevant engagement with members of the public therein.

The functionality was developed over the course of the pandemic and in the earlier periods, whilst all interventions ought to have been recorded, the nature of the intervention - ie that it related to masks/ face coverings - may not have been captured.

Taking into account all of the above, the data may not therefore be wholly accurate but it is what we hold in respect of your request.

Further data that may be of interest is available on our website:

[Enforcement and response data - Police Scotland](#)

Throughout the pandemic our officers have engaged with the public in a positive and constructive tone, using the powers afforded to them as a last resort where people defy very clear and sensible advice, designed to protect them from harm.

The '4 Es' approach has been used throughout - which is:

**Engage:** ask whether an individual is aware of the government request. They'll establish individual circumstances and how quickly someone can comply.

**Explain:** the risks to public health and to the NHS in line with government guidance.

**Encourage:** voluntary compliance.

**Enforce:** if faced with non-compliance. This is a last resort.

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### 1. How many people in Scotland have had recorded warnings from police Scotland either verbally or written about breaches of COVID mask wearing rules since 1st Jan 2020

No *recorded warnings* were issued in relation to mask/ face covering breaches.

From the recorded interventions that relate to masks/ face coverings, I can advise you that forty individuals *complied when informed*, twelve *complied when instructed*.

I can further provide from the recorded interventions that relate to masks/ face coverings, Police Scotland have issued a total of twenty Fixed Penalty Notices (FPNs), four individuals were removed from a premises and fourteen were arrested.

### 2. How many of these individuals got more than one warning from Police Scotland for further breaches of mask wearing rules but no fine since 1st Jan 2020

The personal details of individuals associated with interventions where they ultimately complied were not recorded by Police Scotland. As such, the information sought is *not held* by Police Scotland and section 17 of the Act therefore applies.

### 3. How many subsequently got fines from Police Scotland for more than 1 mask wearing breach since 1st Jan 2020

The personal details of individuals associated with interventions where they ultimately complied were not recorded by Police Scotland. As such, the information sought is *not held* by Police Scotland and section 17 of the Act therefore applies.

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.

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.