| Police Scotland logo | **Freedom of Information Response**Our reference: FOI 23-0570Responded to: 16th March 2023 |
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Your request for information is replicated below, together with our response.

1. **I am particularly keen to be provided the policy associated with the recording of calls by your complaints department when they make calls to a number for example [phone number], an instance of which will be at or about 09:45am Thursday 11/08/2022.
If I have understood correctly either your complaints number is withheld (why would it be) or [phone number] is withheld – and this prevents your complaints team making a recording.**

As you may be aware, FOI legislation provides a right of access to recorded information only.

The recording of calls by our Professional Standards department is not expressly covered in any of our policy/ guidance documents and section 17 of the Act therefore applies. The information sought is not held by Police Scotland.

Police Scotland processes a variety of personal data.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 require us to be more transparent in explaining how we process that data, including what we do with it, how long we intend to keep it, and on what legal basis.

Although it does not refer to call recordings specifically, you may be interested in the [Privacy Notice](https://www.scotland.police.uk/access-to-information/data-protection/privacy-notice-professional-standards-department/) for our Professional Standards department.

There is also a [Privacy Notice](https://www.scotland.police.uk/access-to-information/data-protection/privacy-notice-contacting-police-scotland/) regarding contacting Police Scotland in more general terms.

1. **Presumably, when considering my SAR you have made enquiries of both the [XXX] number called and that of the complaints department and determined which is withheld or why no recording was made. Please confirm and explain the actions taken to determine if the call was recorded or otherwise**

In terms of section 18 of the Act, I am refusing to confirm or deny whether Police Scotland holds information about you.

The public interest overwhelmingly lies in protecting your right to privacy and an individual’s own personal information is exempt from disclosure in terms of the exemption at section 38(1)(a).

If you are dissatisfied with the way in which a subject access request was processed then you should contact our Data Protection team:

DataProtectionSubjectAccess@Scotland.police.uk

1. **Are all or any of your complaints team numbers withheld?**

In general, calls made from a Police Scotland landline or business mobile number are automatically withheld.

1. **Do your complaints team record calls as a matter of course?
When would the complaints team not record calls? I had expected your complaints department would, as a matter of course, record calls.**

Where the relevant technology is available, calls are recorded automatically / as a matter of course. It is important to note, however, that our Professional Standards Department consists of a large team of officers and staff spread across Scotland and, as call recording technology is not universally available, not all calls will be recorded.

1. **The policy for the reporting of complaints about police Scotland staff and how these are to be handled.**

In response to this question I would direct you to the Police Scotland [Complaints About the Police Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf).

In terms of section 16 of the Act, I am refusing to provide you with the information sought on the basis that it is publicly available. Section 16 requires Police Scotland to:

(a) state that it holds the information,

(b) state that it is claiming an exemption,

(c) specify the exemption in question and

(d) state, if that would not be otherwise apparent, why the exemption applies.

I can confirm that the information requested is held by Police Scotland and the exemption that I consider to be applicable is set out at section 25(1) of the Act:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

1. **This will include any policy relating to a member of your complaints team recording a complaint about themselves i.e. the process to be adopted by a member of the complaints team if a party with whom they are speaking wishes to register a complaint about them?**

Please refer to section 10 of the aforementioned Complaints About the Police SOP which details the process to be followed in the event a complaint is made about a member of the Professional Standards Department.

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](http://www.itspublicknowledge.info/Appeal), 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](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.