

3 December 2008

Your Ref:

Our Ref: 0882/08

Mr Drew Peacock
Request-3970-9fca29ce@whatdotheyknow.com

Force Disclosure Unit
Police Headquarters
173 Pitt Street
GLASGOW
G2 4JS

Tel: 0141 435 1216

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Dear Mr Peacock

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0882/08

I refer to your request for information dated 6 November 2008, which was received by Strathclyde Police on the same date.

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, there is no specific offence relating to taking photographs in a public place and any persons being reported for this would likely be charged, in most cases, with a Breach of the Peace or in some occasions with a contravention of the Civic Government (Scotland) Act 1982; the act of taking photographs being somehow relevant. To ascertain whether a person had been reported for taking photographs would require the examination of thousands of crime reports in relation to the crimes mentioned above alone. This however, would take in excess of the 40 hours and £600 prescribed by the Scottish Ministers under the Act to carry out this task.

By way of further information, there are no instructions or guidelines issued to police officers in relation to photography or photographers. Where a police officer suspects a crime has been committed, any decision to arrest or detain the alleged offender will be made based upon the circumstances of the incident, the nature of the alleged crime and any relevant powers, either from statute or common law. Be aware that in present times certain buildings or areas will be under heightened alert and security staff, the general public and the police will be much more aware of people taking photographs. This may well lead to an individual being approached by someone concerned about their actions.

Common sense dictates that there will be certain places where you have access as a member of the public, but will have to ask permission or may be prevented from taking photographs altogether. These may include stately homes, museums, churches, shopping malls, railway stations and certain council or government buildings. If in doubt seek permission and be sensitive to the surroundings.

I hope this information is helpful, however, if you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance to request a review of the decision made by the Force. Should you wish to request such a review, please write to

Mrs Sheena Brennan, Disclosure Manager at the above address within 40 working days of receiving this letter.

Once informed of the Review Panel's decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

I would like to take this opportunity to thank you for your interest in Strathclyde Police. Should you require any further assistance concerning this matter please contact me directly on 0141 435 1216 quoting the reference number given.

Yours sincerely

Colette McFarlane
Freedom of Information Officer