

12 March 2009

Your Ref:

Our Ref: 0135/2009

Mr Barry Low

Email : request-8069-d2c70519@whatdotheyknow.com

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

Tel: 0141 435 1217

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Dear Mr Low

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0135/2009

I refer to your request for information dated 13 February 2009, which was received by Strathclyde Police on that date.

Your request for information has now been considered and on 12 March 2009, a decision was made to provide some of the information requested by you. Some of the information requested by you is, however, considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Strathclyde Police 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. Where information is considered to be exempt, this letter serves as a Refusal Notice and an explanation of the appropriate exemption is provided.

Please detail total expenditure by Strathclyde police on common purpose courses for each of the following years: 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 to date.

In relation to years 1997 – 2003 inclusive, Strathclyde Police does not hold the information you request and in terms of Section 17 of the Act, this letter represents a formal notice that information is not held. By way of explanation, the invoices pertaining to charges made up to 2003, inclusive, were destroyed in line with the Strathclyde Police Record Retention Policy (4 years plus current year to be held). A copy of the Record Retention Schedule can be found via the following link <http://www.strathclyde.police.uk/index.asp?locID=535&docID=-1>

The total expenditure by Strathclyde Police on Common Purpose courses from 2004 to date is detailed in the table below.

YEAR	TOTAL COST (£)
2004	4,641.25
2005	4,641.25
2006	4,935.00
2007	8,489.00
2008	22,839.38
2009	00.00

Please also supply a copy of the invoice for each common purpose course paid for by the Strathclyde police force by [common purpose] I mean the training organisation of that name: <http://www.commonpurpose.org/home.aspx>

The invoices you have requested are attached. Please note that 3 of the invoices contain a typographical error (AZ 0448, AZ 0449 and AZ 0450), in that the Invoice date / tax point is given as 8 December 2009. These should read 8 December 2008 and I have confirmed that payments were made in December 2008. You will also notice that some names have been redacted from some of the documents. In relation to invoices numbered AZ 0449 and AZ 0387 (second redaction) the following exemption applies:

Section 35(1)(a) & (b) Law enforcement

The officers concerned are currently, or will be in the very near future, involved in sensitive, covert roles within the force. Release of their names may compromise the investigations in which they are involved, their safety, the safety of their colleagues and of the public. Release of their names and the consequences of this may also prevent officers from wishing to carry out these roles in the future, and would, or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

This is a non-absolute exemption and requires the application of the public interest test.

Section 39(1) Health, safety and the environment

Release of the names of officers who are in these roles would, or would be likely to, endanger the physical or mental health or the safety of an individual. Identification of the officers concerned could not only compromise any investigations that they are involved in, but also their own safety and would discourage others from wishing to carry out such duties in the future, for fear that their safety would be put at risk. If the officers are put at risk, the safety of their colleagues would also be compromised and the effectiveness of the investigations hindered. If this were to occur, then the safety of the public would also be put at risk.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

As you can see, the above exemptions are non-absolute and require the application of the public interest test. It could be argued that accountability for public funds would favour disclosure. That said, the applicability of the above exemptions, the nature of the criminal investigations that the officers are involved in, their personal interests, their safety and the safety of others and the need for the efficient and effective conduct of the force favour retention of this information.

In relation to invoice numbered BQ 0077, AZ 0326 and AZ 0387 (first redaction) the following exemption applies:

Section 38(1)(b) Personal information

The information requested is exempt as it contains personal data relating to living individuals, specifically, the names of individuals who have since ceased employment with Strathclyde Police. The release of this information to a third party would breach the requirement to process personal data fairly, as laid down by the first data protection principle in Schedule 1 of the Data Protection Act 1998. In this case the data was gathered for the purpose of policing and to process it for another purpose would be unlawful.

This is an absolute exemption and does not require the application of the public interest test.

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 1217 quoting the reference number given.

Yours sincerely

Christine Boyd
Sergeant