

Our Ref: IM-FOI-2015-1142



Sir Stephen House QPM
Chief Constable

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 be obliged if you would furnish me with some detail in relation to the drug testing of employees:

By way of background information, the Police Service of Scotland (Police Scotland) Substance Misuse Standard Operating Procedure (SOP) provides a framework for the prevention and management of alcohol and substance misuse related problems within Police Scotland. This SOP currently applies to all serving officers (irrespective of rank, grade or role) including probationary officers. It also applies to all new recruits (including transferees) to the Force - testing for drug misuse is a condition of their entrance to Police Scotland.

1. How many employees have been drug tested by Police Scotland?

In relation to the information requested, answers have been provided since the inception of Police Scotland on 01 April 2013. This relates solely to 'with cause' drug testing of employees in service.

I can confirm that 36 such drugs tests have been carried out.

2. What powers do you have to enforce such a test?

Officers are required to provide a sample for analysis under the terms of the Substance Misuse SOP as outlined above. Should an officer refuse to provide a 'with cause' drug sample for analysis, the circumstances will be reported to the Professional Standards Department for consideration of misconduct proceedings.

Samples requested from members of police staff are obtained on a voluntary basis at present as the SOP does not yet apply to them.

3. Is the analysis carried out in the United Kingdom and if in another country, the name of that country?

All samples for 'with cause' testing are currently sent to a laboratory in the United Kingdom for analysis.

4. The costs of such an analysis?

The information requested by you is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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 that information is held and an explanation of the appropriate exemption is provided.

Section 33(1) (b) Commercial Interests and the Economy

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including without prejudice to that generality, a Scottish public authority).

The information requested is a specific part of the agreement between Police Scotland and the current service provider. This process is currently under review and the specification for the contract is being drafted and due to go out to tender shortly. As you may be aware the tendering process is open to competition and if utilised, companies are invited to submit their tender bid with details of the costs and processes they would use for the successful completion of the contract. As a result any company who submits a tender bid is required to give detailed information regarding the capabilities and financial ability of the company to complete a contract. Public disclosure of such information is likely to give competitive advantage to other similar companies and as a result would have a damaging impact on the company concerned.

Any relevant information supplied by a successful tender company is provided in the expectation that whilst remaining relevant, details within their tender bid, which is commercially sensitive, will be held by Police Scotland and not disclosed to another organisation which may gain a competitive advantage in receiving this information. Furthermore, if the information was disclosed this may, in the future, reduce the number of companies tendering for the supply of goods and services, they being aware that Police will disclose commercially sensitive information. This is likely to negatively impact on the tendering process used by the service to ensure it purchases the most efficient and cost effective services in the future, and prejudice the commercial interests of Police Scotland.

This is a non-absolute exemption which requires the application of the Public Interest Test.

It is acknowledged that the disclosure of this information would support transparency and accountability in regard to how public funds are spent. However, the grounds for disclosure in this case are outweighed, as disclosure may prejudice the flow of information between Police Scotland and the interests of third parties (in other words the commercial business interest of the company who, when required, submit a tender bid in confidence).

Should you require any further assistance concerning this matter please contact me directly on 01463 720555 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of the decision. Should you wish to do so, contact details are; FOI Central Processing Unit, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely,

Donna Quick
Information Management