

6th March 2015

Your Ref:

Our Ref: IM-FOI-2015-0237



Sir Stephen House QPM
Chief Constable

FOI Central Processing Unit
173 Pitt Street
Glasgow
G2 4JS

foi@scotland.pnn.police.uk

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
SUBJECT: POLICE SCOTLAND – VARIOUS SUBJECTS

I refer to your email dated 20th December regarding the above. I apologise for the delay in responding. I will answer your questions in turn.

1/ Is Police Scotland registered as a business and if so is Police Scotland registered at Companies House or any other place and can you supply the following information how to access the information i.e. registration number or other.

Police Scotland is not registered as a business and section 17 of the Freedom of Information (Scotland) Act 2002, information not held is applied.

2/ Are all police vehicles used by Police Scotland insured and what does the policy cover and can I have a copy of the insurance.

Yes, all police vehicles are insured, with the policy being fully comprehensive. Police Scotland's current Motor Insurance Policy is underwritten by Arthur J Gallagher (UK) Ltd on behalf of QBE European Ltd. This Policy has been purchased with the approval of the Scottish Police Authority. This policy covers the insurance for all Police Scotland vehicles.

In relation to a copy of any documents I would by way of advice draw your attention to a decision by the Court of Session (a link to this is provided below) where both the meaning and definition of the term “information” under the Freedom of Information (Scotland) Act 2002(the Act) has been clarified.

<http://www.scotcourts.gov.uk/opinions/2009CSIH73.html>

The Court held that while the Act provides access to information recorded in any form, their decision made it clear that there is a distinction between the information itself and the document in which it is contained, for example a memo, e-mail, minutes, etc. While the act provides a right of access to information, it does not follow that an applicant has a right of access to the documentation in which it is contained. The Court took the view that if an applicant has the right to be given information then it would be that data, rather than the document that it is contained within that is disclosed. This could be, for example the provision in a summary of what is contained within a document, rather than providing a copy of the record that contains the information.

3/ Are all police officers employed by Police Scotland or self employed or private contractors.

Police officers are employed by Police Scotland.

4/ Is the Chief Constable for Scotland gay or straight; and

5/ If any Police Scotland officer that is gay should they not be informing members of the public that they are gay in case of infection i;e HIV aids or hep A,B,C if there has been any kind of struggle or anything were body fluids can be passed to one and other after all some one who uses drugs is profiled and handled accordingly if arrested.

I must advise that Police Scotland deem these questions to be vexatious as outlined in section 14(1) of the Freedom of Information (Scotland) Act 2002. This section of the Act aims to protect the credibility and effectiveness of freedom of information laws.

The Office of the Scottish Information Commissioner (OSIC) outlines that while there is no single formula or specific criteria to determine whether a request is vexatious, some factors are considered relevant. These include:

- It does not have a serious purpose or value
- It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable.

The Freedom of Information legislation is intended to support public authority transparency and accountability balanced against whether the requests made by individuals are reasonable and whether the public interest is served in processing them. Your comments convey a somewhat outdated and prejudiced view that Police Scotland does not support and it has been

determined the latter criteria are not met in regard to these particular questions. Not only would such information generally be classed as sensitive personal data as outlined in the Data Protection Act, the information sought is of no public relevance nor is there any wider public interest in its release.

6/ What does the logo on the police cars mean on the crest.

The Police Scotland Corporate Identity Standard Operating Procedure (SOP) provides that:

The Police Scotland logo is a modernised version of the Crown Thistle which has been associated with all Police Forces in Scotland for over 70 years. It is a modernised heraldic design which has been developed with and approved by Lord Lyon's office.

'Semper Vigilo', shown under the Crown Thistle means 'always vigilant'.

7/ What is the protocol for a police officer to follow if they suspect a section 44

I am afraid that you will have to clarify which specific Act you are referring to in order that I can accurately respond to this question. If you can provide this information I will undertake further enquiries.

8/ Do police officers need consent to search a vehicle a second time after it has been searched in front of the person after giving consent the first the vehicle was searched

Again, I would be grateful if you could provide some additional context in order that an accurate response can be provided. The decision to undertake a search is made on a case-by-case basis, depending on the specific circumstances involved.

9/ Is it compulsory for suspects to be handcuffed behind their backs

Police Scotland does not give a blanket directive that every prisoner will be handcuffed as the application of handcuffs is the use of physical force and as such it must be justified. However, officers are encouraged to consider the use of handcuffs whenever it may be necessary to ensure their own safety, the safety of others or the safety of the prisoner.

10/ How many Police Scotland Fife officers have been charged for breaking the law and reported to the Crown in the last 12 months.

Criminal allegations are reported to the Criminal Allegations Against the Police Division (CAAPD) of the Crown Office and Procurator Fiscal Service; 14 reports were submitted during the period 4.2.14 to 4.2.15 (the date your request was actioned). These relate to cases that contain criminal allegations which were as a result of incidents within the Fife Council area, albeit the officers concerned could be based in a different area or indeed be attached to a specialist division.

I trust that the information available is of assistance and should you require any further assistance concerning this matter please contact me on 0131 311 3901 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 letter to request a review of the decision made by the Service. Should you wish to do so, contact details are; Police Scotland, FOI Central Processing Unit, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH. (Or email foi@scotland.pnn.police.uk).

Once informed of the review decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. The contact details are: Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610. 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

Stephanie Laing
Information Management