

5 March 2015

Your Ref:

Our Ref: IM-FOI-2015-0284



Sir Stephen House QPM
Chief Constable

FOI Central Processing Unit
Clyde Gateway
2 French Street
Dalmarnock
G40 4EH

foi@scotland.pnn.police.uk

Dear

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
SUBJECT: Breach of the Data Protection Act

I refer to your email dated 5 February 2015 regarding the above which has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOISA).

Using the Freedom of Information Act, I would like to know how many serving police officers are currently being investigated for breaching the Data Protection Act.

How many officers currently have restrictions placed on their activities as a result of breaching the Data Protection Act or due to being investigated for breaching the act?

What do these restrictions mean in practice?

Your request for information has now been considered and on 5 March 2015, the decision was made not to provide the information requested by you as 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 and an explanation of the appropriate exemption is provided.

Section 25(1) – Information otherwise accessible

The information requested by you in relation to ***data protection breaches*** is held and is already available on the SPA website:

<http://www.spa.police.uk/meetings-events/complaints-and-conduct/272177/>

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

To further advise, this information is published on the SPA website under the Complaints and Conduct Committee. The most recent meeting papers for 17 February 2015 at item 10 on the agenda has a table with all the information. It is of note that all officers facing allegations of breaches of the Data Protection Act are restricted and feature on this list.

To assist, I have replicated this data below:

OFFICERS ON RESTRICTED DUTIES

Rank	Allegation	No of days on restricted duties
Constable	Attempt to Pervert the Course of Justice and other criminality	over 700 days
Constable	Data Protection Act 1998	over 700 days
Constable	Misuse of Drugs Act 1971	over 700 days
Constable	Attempt to Pervert the Course of Justice	over 700 days
Constable	Attempt to Pervert the Course of Justice	over 700 days
Constable	Data Protection Act 1998	over 700 days
Constable	Neglect of duty	over 700 days
Constable	Data Protection Act 1998	over 700 days
Constable	Data Protection Act 1998	over 700 days
Constable	Data Protection Act 1998	over 700 days
Constable	Data Protection Act 1998	over 700 days
Constable	Assault	over 700 days
Constable	Data Protection Act 1998 and wasting police time	over 700 days
Constable	Data Protection Act 1998	over 700 days

I trust that the information available is of assistance and should you require any further assistance concerning this matter please contact me on 01786 895 863 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. Contact details are; 'Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS', telephone 01334 464610.

Yours sincerely

Andrew McCulloch
Lead Officer
Information Management
Freedom of Information