

Our Ref: IM-FOI-2018-0420
Date: 8 March 2018



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 (the Act). It appears that you have requested personal information.

Police Scotland endeavours to provide information whenever possible. However, under section 18(1) of the Act, a public authority may refuse a request where:

- if the information existed and was held by the authority, it would be exempt from release under any of Sections 28 to 35, 38, 39(1) or 41 of the Act; and
- the authority considers that to reveal whether the information exists, or is held by it, would be contrary to the public interest.

In this instance, it is considered that to reveal whether the information you have requested exists, or is held by Police Scotland, would be both exempt from release under the Act and contrary to the public interest. There is a strong public interest in protecting individuals' privacy, and personal information is exempt from release into the public domain under section 38 of the Act if it would be unfair, unlawful or otherwise breach the Data Protection Act.

For these reasons, Police Scotland must refuse your request under section 18(1) of the Act.

This notice should not be taken as conclusive evidence that the information you have requested exists or is held.

Police Scotland recognises that individuals have a right of access to information held about them. This 'subject access' right is provided by the Data Protection Act. Further information regarding this process and the differences between the two sets of legislation can be found on the Police Scotland website at:

www.scotland.police.uk/access-to-information/data-protection/

The Scottish Information Commissioner's website provides guidance at:

www.itspublicknowledge.info/PersonalInformation/PersonalInformationYourself.aspx

As does the UK Information Commissioner's website at:

www.ico.org.uk/for_the_public/personal_information

Should you require any further assistance concerning this matter please contact Information Management – Edinburgh on 0131 311 3757 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; Information

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Management (Disclosure), 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. You can raise an appeal using the online service at www.itspublicknowledge.info/Appeal or by writing to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, or via email at 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.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, a copy of this response will be posted to our Freedom of Information Disclosure Log and will be available for viewing on the Police Scotland external website. The response will be posted after 7 days, following our response being issued.

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