

Mr M Roulston

[request-206333-xxxxxxx@xxxxxxxxxxxxxxx.xxx](mailto:request-206333-xxxxxxx@xxxxxxxxxxxxxxx.xxx)

14 July 2014

Reference: 052-2014R/036-2014

Dear Mr Roulston

## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

### **REQUEST DETAILS**

Please find below our response to your correspondence received on 18 June 2014, in which you request a review in respect of the response to your Freedom of Information Request of 20 May 2014.

Your request for review stated:

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Scottish Police Authority's handling of my FOI request 'Cost of misconduct cases involving senior officers'.

(1) specifies the total cost incurred in the 2013/14 financial year but your responses introduces the phrase "to date" which I assume to be the date of your reply.

You make no mention of payments to DLA Piper in your response (which I would include in total costs)

For clarity I am asking for the entries that will appear in the SPA accounts for 2013/14 and I appreciate that there can be some delay in submission of final invoices.

By inference the payment (subject to any revision in the light of the above) to Levy & McRae is in fact the answer to 6 for which you say you hold no information?

Costs are not necessarily limited to legal costs so I accept that the figure may be higher even if Levy & McRae have not submitted further invoices for the 2013/14 period.

Given that I have established that you do hold information relating to (6) it follows that you probably have information about (7) given the usual legal taxation procedures?

A full history of my FOI request and all correspondence is available on the Internet at this address:

[https://www.whatdotheyknow.com/request/cost\\_of\\_misconduct\\_cases\\_involvi](https://www.whatdotheyknow.com/request/cost_of_misconduct_cases_involvi)

## **RESPONSE**

The Scottish Police Authority (SPA) has considered your request for review and on this occasion has partially upheld your request in that there was an error in the wording of the response in respect of question 1 and a failure to provide costs for one solicitor in question 1.

In respect of your complaint about the response to question 6, I find that the interpretation of question 6 as being a follow on from question 5 was entirely reasonable. Thus, as you linked questions 6 and 7, it was reasonable to assume that the response would be based on the answer to question 5.

However, you have now clarified that questions 6 and 7 were not linked to question 5. As such, a revised response is provided below in respect of those questions.

1. The response should have stated that the costs provided were for the period 1 April 2013 to 31 March 2014. Furthermore, the costs for DLA Piper were omitted. The fees paid to DLA piper in respect of your question 1 were £4288.20.

2. Question 6 was taken to be a follow on from question 5, for which SPA claimed a Section 17 exemption. Thus it followed that question 6 would also attract this exemption (i.e. no information held as we did not obtain legal services from 'any local authority or other body with legal services').

However, you have now clarified that question 6 related to question 1. Thus, the response is £69, 104.79.

In respect of question 7, the response remains unaffected. There is no information held in respect of any differences between what was claimed and what was reimbursed. This therefore represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002: Information not held.

I trust you will find this information to be in order, however, if you are not satisfied with the way in which your request for review has been dealt with you have six months within which you may appeal to the Scottish Information Commissioner;

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

Yours sincerely

L Davie  
Information Management