

**OFFICIAL**

Our Ref: IM-FOI-2019-1702  
Date: 9 August 2019



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 - INTERNAL REVIEW**

In accordance with section 20(1) of the Freedom of Information (Scotland) Act 2002, I understand that you have requested a review of the decision communicated to you on 23 July 2019 in respect of your original request for information, received 11 July 2019.

### **Original Request**

**Do officers require authorisation before placing bits of paper in peoples door frames?**

### **Request for Review**

**I am writing to request an internal review of Police Scotland's handling of my FOI request ""Covert surveillance"".**

**Please could you clarify if this is a legally established fact or just police Scotland's opinion.**

**If it doesn't identify an individual why bother doing it?**

**If someone is known to live alone would your [re]sponse fall flat on its face?**

**His often is it done?**

My role is to consider the response issued and determine whether or not your request was handled in accordance with the Freedom of Information (Scotland) Act 2002.

As part of the review, I am also required to consider the quality of the administrative process applied to your request and I am pleased to record no deficiency in that regard.

In reviewing the response I have studied all documentation relevant to the request, including that which documents both the research carried out and the decision making process.

The decision I have to make is whether or not section 17 of the Act was correctly applied to your request.

For the avoidance of any doubt, I can clarify that Police Scotland holds no recorded information regarding the activity of placing bits of paper in door frames and specifically, no recorded information regarding whether or not officers would require authorisation to conduct such activity.

**OFFICIAL**



**OFFICIAL**

As explained in the original response, this is a consequence of the fact that such activity *would not* be deemed as surveillance.

Whether an activity amounts to surveillance or not is set out in legislation - the Regulation of Investigatory Powers Act 2000, the Regulation of Investigatory Powers (Scotland) Act 2000, Part III of the Police Act 1997 and the Investigatory Powers Act 2016.

In regard to why Police Scotland would 'bother doing it', the implications of someone living alone and how often it is done, I would reiterate that Police Scotland holds no recorded information regarding such activities.

The information provided in the original response:

*"Please note, although such a tactic could potentially suggest to officers that someone may have entered a dwelling or property, this is not a definitive conclusion and would not enable officers to attribute this action to, or identify a specific individual."*

was intended to provide advice and assistance only and was based on comment provided from colleagues in our Specialist Crime Division.

Taking all of the above into account, I am satisfied that your request has been handled in accordance with the Freedom of Information (Scotland) Act 2002 and in terms of section 21(4)(a) of the Act, I uphold the original response and agree that section 17 of the Act was correctly applied.

Should you require any further assistance concerning this matter please contact Information Management - Dundee on 01382 596657 quoting the reference number given.

If you remain dissatisfied following the outcome of this review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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

**OFFICIAL**