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Our Ref: IM-FOI-2019-1385
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 25 June 2019 in respect of your original request for information, received 1 June 2019.

Original Request

Please could you provide details on monitoring covert surveillance techniques by your officers.

Can you confirm if placing paper in someone's door frame is included within this, how many times has this been used (with or without a warrant) and how do senior officers sign off on this procedure?

If you do not have this data why? You should be monitoring surveillance behaviours of your officers.

Request for Review

Email headed 'Internal review of...'

Please could you confirm if officers require authorization before placing bits of paper in peoples door frames?

When asked by Police Scotland:

Can you please confirm whether:

a) you wish to request a review of the handling of that request - if so, you are required to express a reason for your dissatisfaction; and/ or

b) you wish to log a new request for any recorded information regarding whether 'officers require authorization before placing bits of paper in peoples door frames'

Email reply:

YES

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My role is to consider the response issued and determine whether or not your request was handled in accordance with the provisions of 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 sections 17 of the Act and 16 of the Act, in conjunction with the exemption set out at section 25, was correctly applied to your request.

Section 16/ 25 response

In relation to your first question:

“Please could you provide details on monitoring covert surveillance techniques by your officers”

Police Scotland responded by directing you to the Directed Surveillance, Intrusive Surveillance and Property Interference Standard Operating Procedure and providing some information regarding the role of the Investigatory Powers Commissioner’s Office.

I am satisfied that this was an appropriate response to the question posed and in terms of section 21(4)(a) of the Act, I uphold the original response and agree that section 16 of the Act was correctly applied.

Section 17 response

In relation to your other questions:

“Can you confirm if placing paper in someone's door frame is included within this, how many times has this been used (with or without a warrant) and how do senior officers sign off on this procedure?

If you do not have this data why? You should be monitoring surveillance behaviours of your officers.”

Police Scotland responded in terms of section 17 of the Act stating that information of relevance to your questions was not held.

You were also advised in terms of ‘why’ that such activity would not be deemed surveillance and, to be of assistance, you were further advised that although such a tactic could potentially suggest 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.

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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 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.

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