

Our Ref: IM-FOI-2020-1147  
Date: 7 August 2020



## 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.

For ease of reference, your request is replicated below together with the response.

***Please supply me with all public duty diary entries (personal data redacted) of Chief Constable, Iain Livingstone, and, Assistant Chief Constable, Gary Ritchie. The reason for this request is due to the fact the aforementioned public servants refuse to meet me in person, stating that they are too busy to undertake this public duty. At this requested meeting I would have supplied evidence of corrupt acts having been undertaken by two public servants here within Scotland. Basically, fraudulent acts.***

***The entries required are for the following dates: 1 July until 31 December 2020.***

In respect of your request please find attached redacted copies of diary entries for Chief Constable Livingstone (time period 29<sup>th</sup> June – 31<sup>st</sup> July 2020) and Assistant Chief Constable Ritchie (time period 29<sup>th</sup> June – 2 August 2020). You should be aware that due to the rank of the individuals involved their schedules are extremely busy, therefore, engagements are always subject to last minute change.

In relation to the specific information relating to each diary entry and also for any future diary entries, I can advise that the information 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 that information is held and an explanation of the appropriate exemption is provided below.

### **Section 38(1) (b) – Personal information**

In terms of Section 38 (1) (b) of the Act, a public authority can withhold information where its release would identify any living individual and breach the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

All personal data must be processed fairly, and in this case, even with the redaction of personal data such as names, addresses and telephone numbers, individuals could still be identified by the location of a meeting or the content description of such meetings.

Further, diary entries in respect of annual leave or private appointments are personal to the CC and ACC, with no reasonable expectation that these would be made public as they are entitled to a private life.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as: *'Information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person'*

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

### **Section 39 (1) – Health, Safety and the Environment**

Information is exempt information if its disclosure under this Act would, or would be likely to; endanger the physical or mental health or the safety of an individual.

Police Scotland has a duty of care to all individuals, including members of the public, police officers and police staff members. It is assessed that providing diary entries for the two officers would provide information on current policing activity and expose the identity of those individuals they are meeting to criminals which could place them at risk.

Additionally these diary entries may include recurring meetings, which may be held in the same venue which could expose our officers to an increased threat if they were to be targeted by any group.

This is a non-absolute exemption and the application of the public interest test applies.

### **Section 31 (1) – National Security and Defence**

Information is exempt information if it is required for the purpose of safeguarding national security. It should be recognised that the international security landscape is increasingly complex and unpredictable. To disclose the information requested would reveal who we engage with and the full content of our engagements.

As previously explained, it is assessed that providing diary entries for the two officers may provide information on current policing activity and expose the identity of those individuals they are meeting to criminals which could place them at risk. The diary entries may include recurring meetings, which may be held in the same venue which could expose our officers to an increased threat if they were to be targeted by any group.

This is a non-absolute exemption and the application of the public interest test applies.

### **Public Interest Test**

It could be argued that the public are entitled to know how public funds are spent, however, disclosure of the information would assist criminals and terrorists in carrying out their criminal and terrorist activities.

Serious and Organised Crime Groups pose a very real threat to public safety. These groups are active not only within the UK but also internationally and have criminal infrastructures throughout the world. They invest in both this infrastructure and their criminal members to ensure constant evolution to enable them to circumvent law enforcement tactics. Consequently these groups have advanced significantly in terms of their technological capabilities and knowledge.

As such, it is essential we provide the relevant protection to those within our organisation that are most at risk of being targeted.

The UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any of the terrorist threats in the past. Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

It has been recorded that FOI(S)A releases are monitored by these criminals and they are constantly active and astute in their assessment of police information and will capitalise on any material they can glean about current practice. Using public information, they will compromise policing methods in order to assist their offending behaviour and are likely to make judgements and engage counter measures against any information disclosed where the scale of such capabilities is available.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

Furthermore, it is often the case that those who correspond with Police Scotland do so in the first instance with the office of the Chief Constable. In such cases, correspondents will usually receive an acknowledgement of their correspondence and be advised which Police Scotland business area will progress their enquiry on behalf of the Chief Constable, should that be appropriate. This frequently results in the matter being delegated to another member of the Force Executive, or indeed one of Police Scotland's Divisions or Departments with professional responsibility and delegated authority to progress the enquiry, on behalf of the Chief Constable.

Finally, should you wish to report a crime or offence, you can report a crime or offence in person to any constable or if you prefer, via telephone (101 or in the case of an emergency 999) or at a police office. You can also contact Police Scotland via the Police Scotland website.

Should you require any further assistance please contact Information Management - Glasgow on 01786 895864 quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to

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[xxx@xxxxxxxx.xxx.xxxcx.uk](mailto:xxx@xxxxxxxx.xxx.xxxcx.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that 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.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

