

Our Ref: IM-FOI-2016-2891  
Date: 8 March 2017



## **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.

Furthermore, I refer to your correspondence of 13 February 2017. I note your request for a review concerning the failure to provide a response within the statutory timescale outlined within the Act.

Consequently, I write to confirm that a decision has now been made, and following your request, please acknowledge this as a response under Section 21 (4) (c) - (Review by Scottish Public Authority).

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

**Pursuant to the general right of access to information contained in the Freedom of Information (Scotland) Act 2002 I request from the Chief Constable of the Police Service of Scotland the following information:**

**(a) the full content of the ICO's report following their recent consensual data protection audit of the Police Service of Scotland;**

Firstly and by explanation, the Information Commissioner's Office (ICO) sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach.

Police Scotland agreed to a consensual audit by the ICO of its processing of personal data. The purpose of the audit provided the Information Commissioner and Police Scotland with an independent assurance of the extent to which Police Scotland, within the agreed scope of the audit, is complying with the Data Protection Act, highlight any areas of risk to compliance and demonstrate good practice in data protection governance and management of personal data.

Please find attached a copy of the recent ICO's Data Protection Audit Part 1 and 2. Names of individuals involved in carrying out the audits have been redacted.

Police Scotland inherited 10 legacy systems and different approaches to the management of information. Due to the size, scale and complexity of the organisation this has brought anticipated challenges in delivering data protection compliance.

The ICO review team have concluded that a grading of 'limited assurance' was given in relation to our governance and handling processes at the time of the audit. Police Scotland accepts this assessment and welcomes the recommendations made by the review team. Consequently, we are about to commission a review of our information and data management processes which will address many of the findings of the ICO audit.

This will provide us with an integrated and holistic model for managing information; enabling us to deliver improved data protection compliance.

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

Some of the information requested by you is, however, considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Service of 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.

In respect of this, I must advise that the release of personal information, either directly or inadvertently is exempt under the Freedom of Information (Scotland) Act 2002 and I must therefore apply Section 38(1)(b) of the Act to this part of your request.

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

### **Section 30(c) Effective conduct of public affairs**

Specifically, this exemption relates to direct dial telephone numbers and email addresses of the Service and other agencies that are not in the public domain. These have been redacted in terms of Section 30(c) in order to protect the effective internal and external communications within the Service.

This is a non-absolute exemption and requires consideration of the public interest test.

### **Public Interest Test**

The last exemption is non absolute and requires the application of the Public Interest Test. Some internal and external telephone numbers and email addresses are not for public use and have not been disclosed as these are for operational purposes only. This information has been removed in order to ensure that internal processes are protected and abuse of the telephone numbers or email addresses does not occur. Disclosure of this information would be likely to adversely affect internal processes of the Service or other agencies.

### **(b) the full content of any action plans (or similar) that have been produced by the Police Service of Scotland pertaining to any issues identified within the ICO's report.**

The action plans contained within the attached ICO Audit Report provides details of Police Scotland's response to the recommendations made based on the structures and approach in respect of information management. In addition, the review of information and data management processes will seek to identify the most effective and cost efficient model for delivering information including data protection compliance.

With regards to the information you have requested relating to the preparation of action plans are ongoing and in that respect the information is exempt.

In accordance with the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice. Section 16 of the Act requires Police Scotland, when refusing to provide such information because the information is exempt, 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.

### **30(b)(ii) – Prejudice to effective conduct of public affairs**

Information is exempt information if its disclosure under this Act would, or would be likely to inhibit substantially the free and frank exchange of views for the purposes of deliberation.

The information requested relates to an ongoing preparation and implementation. This includes semi-structured interviews and focus groups. All participants have been assured of confidentiality within the process, this is essential to ensuring optimal information is given.

The provision of this part of the Act allows for discussions to be undertaken which are open and honest whilst at the same time affording some protection to relevant information.

Individuals expect a certain amount of privacy when detailing their personal views. Disclosure could result in individuals being unwilling to fully contribute with their opinions on recommendations or proposals in the future in anticipation their views would be publicly disclosed and identify the individual.

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

### **Public Interest Test**

Although it might be favourable to disclose the information requested in terms of accountability relating to the efficiency and effectiveness of the Service it would provide the public with views of the Service from the Staff themselves; the flow of information to the Service would be harmed by release of such information. If individuals were unwilling to contribute to such deliberations or put forward proposals in the future fearing their initial views were publicly attributable, or in case any non-factual information was disclosed prior to the review being finalised, the proper purpose of such deliberation; any efforts to achieve honest opinions, would be hindered and as such favours retention of the information.

Should you require any further assistance concerning this matter please contact Information Management – Glasgow on 01786 895867 quoting the reference number given.

If you are dissatisfied with the way in which your review has been dealt with, you are 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](http://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](mailto: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.