



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Response and Information Unit  
Crown Office  
25 Chambers Street  
Edinburgh EH1 1LA

**PRIVATE AND CONFIDENTIAL**

Ms SJ Kerr

Tel: 0300 020 3000  
Text Relay prefix: 18001

**By email:**

[request-731427-66cb92ad@whatdotheyknow.com](mailto:request-731427-66cb92ad@whatdotheyknow.com)

Our ref: R-00436-21

24 March 2021

Dear Ms SJ Kerr,

I refer to your e-mail of 25 February 2021 in which you requested the following information under the Freedom of Information (Scotland) Act 2002 (FOISA):

*1. Evidence that supports the lawfulness that your joint protocol\* is compliant with DPA 2018 and GDPR for multi agency working including third sector organisations and various 'justice' partners.*

\*Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service:  
[In partnership challenging domestic abuse](#)

FOISA is a right to recorded information. No information for your request is recorded, therefore in terms of [Section 17](#) of FOISA, the Crown Office & Procurator Fiscal Service (COPFS) does not hold the information you have requested.

However, [Section 15\(1\)](#) of FOISA provides that a Scottish public authority has a duty to provide advice and assistance to a person who has made a request for information to it.

You should note that the protocol is a document providing an overview of what the public can expect from the police and the prosecution service in dealing with criminal conduct arising from domestic abuse. It does not set out any new data sharing requirements or agreements but rather provides an overview of the process.

The use of personal data by COPFS in connection with the investigation and prosecution of all crime and the investigations of deaths is set out in the COPFS [Privacy Notice](#) which is published on the COPFS website – I have attached a pdf copy to this response email.



[www.copfs.gov.uk](http://www.copfs.gov.uk)



There is also [Guidance](#) on the COPFS Data Protection Act published on the website. The current version refers to the 1998 Act but COPFS is compliant with the UK Data Protection Act 2018 and the GDPR for all personal data and this compliance applies to the practice and processes set out in the *In partnership challenging domestic abuse* protocol.

If you are dissatisfied with the COPFS response to your FOI request, you have the right to ask us to review it. Your review request should be made within 40 working days of receipt of this letter; please e-mail [foi@copfs.gov.uk](mailto:foi@copfs.gov.uk) and we will reply within 20 working days of receipt.

The review will be undertaken by a member of the COPFS FOI unit who was not involved in the original consideration of your request.

Under section 47(1) of FOISA if the COPFS position is unchanged following a review you have the right to appeal to the Scottish Information Commissioner within six months of receiving the review.

Under section 48(c) of FOISA that right of appeal might be limited as it can be subject to what information is requested. It is for the Scottish Information Commissioner to decide if he will accept your appeal on a case by case basis.

Yours sincerely

H Hart  
Response and Information Unit

A Register of FOI responses is published on the [FOI page](#) on the COPFS website: [www.copfs.gov.uk](http://www.copfs.gov.uk).

