

27 September 2011

Your Ref:

Our Ref: 0733/2011

Mr Martin McGartland
Email- Martin McGartland [request-84255-
507053dd@whatdotheyknow.com]

Force Disclosure Unit
Police Headquarters
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Dear Mr McGartland

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0733/2011

I refer to your request for information dated 27 August 2011, which was received by Strathclyde Police on the same date.

Your request for information has now been considered and on 27 September 2011, a decision was made to provide some of the information requested by you. 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 Strathclyde Police 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 and an explanation of the appropriate exemption is provided.

For ease of reference, I have provided a response to each of the questions posed by you, as detailed below.

1a. All information concerning (the Review Panel) including full details of panel members

In terms of Section 21 - Review by Scottish public authority, and in the circumstances of this particular case, the review panel was obliged under Section 21(4) to:

- (a) confirm a decision complained of, with or without such modifications as it considers appropriate;
- (b) substitute for any such decision a different decision

The Review was conducted by Mrs Brennan the force Information Manager, with (in the absence of Mrs Grieve) initial background information being provided by myself, and with the assistance of a member of the force Legal Services Department the full details of whom are exempt, having due regard to their role and previous Appeal decisions made by both Information Commissioner's, in terms of Section 38(1)(b) - Personal information.

This is an absolute exemption.

1b. *and full details of all information evidence used by them when dealing with that request.*

Consideration of any matters relevant to your request would mirror those outlined in our previous response to you (dated 26 July 2011- ref 0489/2011). My view is that the current request is an otherwise worded repeated request for substantially similar information, as recently submitted by you in June 2011 where, in general, you sought information about a police investigation concerning you being undertaken by Northumbria Police. Accordingly, in terms of Section 14(2) - Repeated requests, I am not obliged to comply with a subsequent request which is identical or substantially similar.

2. *(With regard to a telephone conversation) please supply me with all information that you, Strathclyde Police have concerning this matter, including all correspondence and notes (including written notes) of all conversation/s that you claim to have had with person I spoke to and also from those who you claim; ' ... supported by his colleagues sitting nearby ...'.*

In terms of Section 17 of the Act this letter represents a formal notice that information is not held. Confirmation of the circumstances of the alleged telephone conversation was verbal and no information was recorded.

3. *How many requests have been refused by Strathclyde Police on the grounds of Section 31 – National Security and Defence within the past 12 months?*

The exemption afforded under Section 31 – National security and defence, has previously been cited once in the past 12 months.

4. *How many cases/requests, regards no 3 above, were upheld by SIC?*

In terms of Section 17 of the Act this letter represents a formal notice that information is not held. The request was not referred to the Scottish Information Commissioner.

5. *How many cases/requests, regards no 3 and 4 above, were not upheld by the SIC?*

In terms of Section 17 of the Act this letter represents a formal notice that information is not held. As above, the request was not referred to the Scottish Information Commissioner.

A list of all Appeal decisions including the exemptions examined can be seen on the Scottish Information Commissioner's website at:

<http://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/Decisions.php>

6. *Please supply all information concerning all contact between Strathclyde Police (its staff/officers) and Northumbria Police (its staff/officers) concerning any FOI requests I have made to Strathclyde Police.*

In terms of Section 17 of the Act this letter represents a formal notice that information is not held.

Any recorded matters concerning you and Strathclyde Police in respect of Freedom of Information requests (or otherwise) are regarded as personal data, disclosure of which is exempt under Section 38 of the Act. This exemption applies because the right given under the Act to request official information held by public authorities does not apply to personal data. Any such requests become Subject Access Requests under the Data Protection Act 1998.

Nevertheless, as you appear to have no issue with highlighting your personal circumstances and contact with various police forces on this particular matter through the very public 'whatdotheyknow' website, I have considered the Data Protection Act 1998 section 1(1) (Basic interpretative provisions) (definition of "personal data"), Schedule 1 (The data protection principles) (the first principle) and Schedule 2 (Conditions relevant for purposes of the first principle: processing of any personal data (condition 6)), determining there to be no detriment, i.e. it would not be unfair, to you in terms of such personal disclosure and confirm that in terms of information that might be held by Strathclyde Police, no contact was made on the subject of any FOI requests you have made to this force.

I would take this opportunity to advise you that whilst we have tried in terms of the legislation to be as helpful as possible, should any further requests be received on this subject, i.e. a police investigation concerning you being carried out by Northumbria Police, then consideration will be given to responding in terms of Section 14 – Vexatious or repeated requests.

Should you require any further assistance concerning this matter please contact me directly on 0141 435 1205 quoting the reference number given.

I hope this information is helpful, however, if you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance to request a review of the decision made by the Force. Should you wish to request such a review, please write to Mrs Sheena Brennan, Disclosure Manager at the above address within 40 working days of receiving this letter. Once informed of the Review Panel's decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

Yours sincerely

Inspector Graeme Cuthbertson
Force Disclosure Unit