

Our Ref: IM-FOI-2016-2900

Date: 23 January 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.

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

Can you supply the material in respect of the academic teaching of probation officers whilst at the police college?

In response to this question, I would advise you that the information requested by you is 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.

The exemptions, which I consider to be applicable to the information requested by you, are as follows:

Section 33(1)(b) Commercial Interests and the Economy

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including without prejudice to that generality, a Scottish public authority).

The manual is part of a credit rated programme and is provided to other third parties under payment of a licence fee. Disclosure of the document either in part or in its entirety outwith this process would prejudice the commercial interests of Police Scotland.

This is a non-absolute exemption which requires the application of the Public Interest Test.

Public Interest Test

It may be felt that Police Scotland should disclose the information requested, in terms of accountability. However, the grounds for disclosure in this case are outweighed, as disclosure may prejudice the commercial interests of Police Scotland as payment would no longer be gained from the documentation if we were to freely release the document under FOISA. On balance the public interest on this occasion favours the retention of this data.

Should you require any further assistance concerning this matter please contact Information Management - Glasgow on 01786 895 863 quoting the reference number given.

If you are dissatisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of our actions and decisions.

Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter 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 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.

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.