

Our Ref: IM-FOI-2019-1891  
Date: 11 September 2019



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 - INTERNAL REVIEW**

In accordance with section 20(1) of the Freedom of Information (Scotland) Act 2002, I understand that you have requested a review of the decision communicated to you on 29 August 2019 in respect of your original request for information, received 2 August 2019.

### **Original Request**

**Will Police Scotland provide the full list of organisations that provide Police Scotland with information that is recorded on the VPD and for which Police Scotland is the Data Controller?**

### **Request for Review**

**I am writing to request an internal review of Police Scotland's handling of my FOI request 'The organisations supplying Police Scotland with information that is recorded on the VPD'.**

**The refusal of Police Scotland to provide the full list of organisations that provide Police Scotland with data/information that is recorded on the Vulnerable Persons Database (VPD) is congruent with a systemic policy of "plausible deniability" being used by Police Scotland to mask the organisations who populate the VPD with false information, potentially with malevolent and malicious motivations**

**When an individual in Scotland has identified that they have been libelled on the Vulnerable Persons Database (VPD) for example they have received a DPA 2018 Subject Access Request on the information that is held by a local authority social work department on a child/children (born after 2006 where that individual is listed as being a parent on the birth certificate) and the local authority has not redacted (maybe to their chagrin) the header detailing that the incorrect and libellous information held on the social work system is from the VPD then it would appear that the individual who has the false and libellous information recorded on them will not be able to identify the source of this information.**

**It would appear (though it cannot be certain) that Police Scotland has implemented a system with the VPD whereby individuals are unable to enact their rights under the General Data Protection Regulations (GDPR) to identify the source of the false information such that it can be challenged under a Right to Rectification process. In short Police Scotland could have set up an "invisible data chain".**

**A heavily redacted DPA 2018 SAR from Stirling Council (that is currently under an ICO complaint investigation) has shown that a Multi-Agency Risk Assessment Conference (MARAC) was held on an individual that was almost certainly on 15**

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**November 2018, a date that preceded a communication (of a religious nature) between a father of a child/children and his own parents relating to the father's child protection concerns pertaining to a Police Scotland 999 call locus. This shows that the charity 'SafeLives' is one organisation that populates the VPD with information/data.**

**A heavily redacted DPA 2018 SAR from Stirling Council (that is currently under an ICO complaint investigation) has shown that information has been source by the VPD and the SAR states that an individual "apparently suffered from psychotic depression". As the Citizen's Advice Bureau (CAB) Stirling employee Gillian BAKER wrote in a letter to a family law solicitor in 2016 that the same individual had actually suffered from psychotic depression this indicates that "plausible deniability" is being used by organisations when they pass information to Police Scotland. This indicates (though it cannot be certain) that the charity CAB Stirling is one organisation that populates the VPD with information/data potentially with 'SafeLives' and the MARAC process as the conduit.**

**A prescribed list was not requested, just the organisations that report the "crimes" for which Police Scotland have validated the organisation to have "positive relationships" with Police Scotland (according to Police Scotland's own SOPs) and whom Police Scotland therefore view as trustworthy to provide accurate information/data.**

**Will Police Scotland revisit this FOI request and provide the list of organisations, in addition to 'SafeLives' who provide information/data that is recorded on the VPD or respond with why this organisation information is not recorded as source of information on the VPD (e.g. not a requirement of the DPA 2018)?**

My role is to consider the response issued and determine whether or not your request was handled in accordance with the provisions of the Freedom of Information (Scotland) Act 2002.

As part of the review, I am also required to consider the quality of the administrative process applied to your request and I am pleased to record no deficiency in that regard.

In reviewing the response I have studied all documentation relevant to the request, including that which documents both the research carried out and the decision making process.

The decision I have to make is whether or not section 17 of the Act was correctly applied to your request.

As set out in the original response, there is no list of organisations that provide Police Scotland with information that is subsequently recorded on iVPD.

iVPD is used to record information regarding concern reports, hate crimes and incidents and domestic abuse crimes and incidents.

Information held can theoretically have come from any individual or organisation depending on the circumstances - there is no prescribed list.

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Whilst it would of course be theoretically possible to read every iVPD record and note the source of the information therein, such an exercise would clearly engage the cost exemption set out in the Act given the many thousand iVPD records in existence.

I have considered whether or not section 12 would be the more appropriate provision but overall I am not persuaded that any meaningful data could be gathered were the cost exemption not an issue.

Many organisations provide information to Police Scotland in a variety of contexts.

In the context of information that may subsequently be recorded on iVPD examples of such organisations might be Local Authority Social Work Departments, Local Authority Education Departments, the NHS, third sector aid organisations, commercial companies etc.

There is no field etc on iVPD that would necessarily indicate the source of information - information may for example be provided to a police officer at a multi-agency meeting and the detail thereafter recorded as a concern report on iVPD in the police officers own words.

Similarly, an officer in the course of say a hate crime investigation might be provided with information from the organisation where the crime took place - which could be anywhere - a shop, a bank, a school etc.

Overall, I do not consider that it would be possible to create a comprehensive list of every organisation that has ever provided information to Police Scotland where said information has ultimately been recorded on iVPD.

Taking all of the above into account, I am satisfied that your request has been handled in accordance with the Freedom of Information (Scotland) Act 2002 and in terms of section 21(4)(a) of the Act, I uphold the original response and agree that section 17 of the Act was correctly applied.

You may be interested in the Police Scotland Risk and Concern Privacy Notice which is available on our website and lists some of the organisations Police Scotland shares information with:

[www.scotland.police.uk/assets/pdf/340047/473456/privacy-notice-risk-and-concern-project](http://www.scotland.police.uk/assets/pdf/340047/473456/privacy-notice-risk-and-concern-project)

Should you require any further assistance concerning this matter please contact Information Management - Dundee on 01382 596657 quoting the reference number given.

If you remain dissatisfied following the outcome of this 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.

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