



Freedom of Information Response

Our reference: FOI 23-1205

Responded to: 14th June 2023

Your recent request for information is replicated below, together with our response.

I understand, from media coverage, that Police Scotland intends to introduce a new policy in relation to the wearing of FFP3 half-masks by operational staff. The standard that applies to the specification is EN 149, which requires FFP3 half-masks to filter at least 99% of airborne particles with inward leakage of less than 2%. However, EN 149 makes no requirements of FFP3 half-masks in relation to infection control, so it is not clear when or why operational staff will be required to wear these.

My request is for a copy of the new policy, and for any documents relating to (a) which categories of Police Scotland staff might be required to wear FFP3 half-masks, and (b) the circumstances in which such a requirement will be made.

In regards to the new policy, I can confirm that this is currently in draft form and has not been finalised. I have attached a copy of the most recent draft with my response. I would emphasise that this is a draft version and subject to change.

In regards to your request for any documents relating to (a) which categories of Police Scotland staff might be required to wear FFP3 half-masks, and (b) the circumstances in which such a requirement will be made. These points are mentioned within the draft SOP which has been provided as per above and I would in particular draw your attention to sections 1 and 3.

In relation to any additional documents held which fall under points (a) and (b) of your request, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- states that it holds the information,
- states that it is claiming an exemption,

- specifies the exemption in question and
- states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

Section 30(b) – free and frank provision of advice or exchange of views

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Information is exempt under sections 30(b) if disclosure would, or would be likely to, inhibit substantially:

- (i) the free and frank provision of advice (section 30(b)(i)) or
- (ii) the free and frank exchange of views for the purposes of deliberation (section 30(b)(ii)).

The provision of advice between senior officers and partner agencies in relation to a specific subject matter, as well as the exchange of views on both operational and corporate considerations take place routinely for much of our policing business. This documents our thinking and deliberation on the issues raised and our final decision making.

If released, those deliberations, including the subject matter discussed would be substantially inhibited, prejudicing the ability to respond effectively to sensitive issues and require the Service to assess correctly the harm in any potential future disclosure.

Pre-empting these decisions by releasing information into the public domain is likely to frustrate this process and would inhibit the manner in which those issues are debated, effectively undermining the ability to ensure that there is sufficient opportunity to ensure all potential concerns and viewpoints are accurately identified and addressed.

Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

That said, disclosure would harm the efficiency and effectiveness of the Service and 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

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the future fearing their initial views were publicly attributable, or in case any non-factual information was disclosed prior to matters being finalised, any efforts to achieve honest opinions, would be hindered and as such the balance of the public interest test favours retention of the information.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](#) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](#), by [email](#) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](#) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.