| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0297  Responded to: 16th February 2023 |
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Your recent request for information is replicated below, together with our response.

## Can you provide details of the numbers of the total number of police officers with associated rank who are suspended on full pay.

## I also like the number who have been suspended for more than one year; two years three years; four years and the number suspended for five years or more with associated ranks.

As at 30 January 2023, a total of 58 police officers are suspended on full pay.

A breakdown of their ranks and the length of the suspension is provided in the table below:

| **Length of Suspension** | **Rank - Constable** | **Rank - Sergeant or above** |
| --- | --- | --- |
| Under 1 year | 38 | 4 |
| Between 1 - 2 years | 8 | 1 |
| Between 2 - 3 years | 6 | 0 |
| Between 3 - 4 years | 1 | 0 |
| 4 years or more | 0 | 0 |
| Total | 53 | 5 |

There are currently no officers who have been suspended on full pay for five or more years.

It has been assessed that inclusion of details as to the exact rank of officers beyond Sergeant rank would be considered personal data.

Were details included, the pool of individuals to whom the data requested could relate is considered sufficiently low that there exists the potential for individuals to be easily identified.

In terms of section 16 of the Act, I am therefore refusing to provide you with this information and I am therefore required 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.

I can confirm that the information sought is held by Police Scotland and the exemption I consider to be applicable is section 38(1)(b) of the Act - personal information.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is my view that disclosure of the information sought would be unlawful.

## I would also like details of the reasons why officers are suspended

The table below details the category of allegations linked to officers currently suspended:

| **Category of linked allegations** | **Number of Officers Suspended** |
| --- | --- |
| Crimes of Violence (including Assault) | 8 |
| Data Protection and Confidentiality | 5 |
| Domestic | 8 |
| Domestic and Sexual | 1 |
| Other criminality | 6 |
| Sexual | 28 |
| Theft | 2 |
| Total | 58 |

Further information on the suspension of police officers up to the rank of chief superintendent is outlined in Police Scotland’s [Suspension from Duty](https://www.scotland.police.uk/spa-media/3mbmetbo/suspension-from-duty-sop.pdf) Standard Operating Procedure.

## … and the total annual cost to Police Scotland in terms of salary.

I would refer you to our response above and the refusal to provide a full break down of rank information. Notwithstanding, police officer salary information is available online:

[Pay and Grading Structure - Police Scotland](https://www.scotland.police.uk/about-us/finance/pay-and-grading-structure/)

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](mailto:foi@scotland.police.uk) 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](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) 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](http://www.scotland.police.uk/access-to-information/freedom-of-information/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.