| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1393  Responded to: xx July 2024 |
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Your recent request for information is replicated below, together with our response.

The questions have been reordered to avoid repetition.

## All recorded information held by Police Scotland that would guide police officers in the policing of a peaceful protest held by a disabled person or the disabled community in Scotland at large during this year particularly on the 4th of July 2024.

## All information held by Police Scotland that would show Police in Scotland have progressing to be more accommodating of the right to peaceful protest of disabled people individually and the disabled community at large in Scotland during this year particularly for the 4th of July 2024.

In response to questions 1 & 2, I can advise you that there is no recorded information that meets the highly specific scenario described in your request.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

In terms of the dates of the General Election ((4th / 5th July) , I can confirm that any protest or demonstration will be policed by the appropriate Division.

In every event the initial standpoint is the facilitation of *peaceful protest* and as such discretionary powers are used to manage minor offending when balanced against police intervention causing an escalation and potential disorder.

Whilst all officers are reminded of their obligations in terms of the prevention and detection of crime and maintaining order, the overriding principle is the *facilitation of peaceful protest*, in accordance with Articles 10,11 and 14 of ECHR.

The responsibilities of the police in such circumstances extend not only to taking positive action to protect these rights and freedoms, but also includes a failure to act or to take steps to protect them.

In general terms, such rights can only be interfered with where action is prescribed by law, and is necessary in a democratic society for one of the following reasons;

* National Security
* Territorial integrity
* Public Safety
* Preventing disorder/crime
* Protecting health
* Protecting morals
* Protecting the rights of others

ECHR Article 10 (1) protects in substance and in form a right to freedom of expression which others may find insulting or offensive.

Individuals taking part in a peaceful protest will only come within the terms of the Public Order Act 1986 where their conduct moves into the realms of threatening, abusive or insulting behaviour which is calculated to insult and is unreasonable.

## All information held by Police Scotland that shows a robust and effective complaints procedure present for a disabled person or disabled persons should they have their rights to peaceful protest under Article 20 of The United Nations International Declaration of Human Rights unlawfully inhibited by a Police officer in Scotland particularly on the 4th of July 2024.

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) provides the definition of a ‘complaint’ (CAP) and outlines how we deal with *all* complaints which you may find helpful.

Furthermore Police Scotland fully complies with the Human Rights Act and this is built into all aspects of the police service. Since June 2016 Police Scotland has implemented an integrated [Equality and Human Rights Impact Assessment SOP](https://www.scotland.police.uk/spa-media/gksk40zp/equality-and-human-rights-impact-assessment-sop.pdf)

The information is therefore held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies: “Information which the applicant can reasonably obtain other than by requesting it […] is exempt 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](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.