| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-2032Responded to: 6 September 2023 |
| --- | --- |

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

## 1. Since 1 January 2018, on how many occasions has the Police Scotland obtained the 'communications data' (e.g. Call Data Records, or CDRs) of individuals from mobile telecoms providers, either directly or indirectly through another agency (e.g. Met Police, Home Office, etc.)? Please break this down into:

## a) number of separate occasions these were requested

## b) number of individual phone numbers for which CDRs were requested

## c) the legal basis for the requests (please specify the number of requests per legal basis. For example, “total requests: 3, Investigatory Powers Act – 2, Consumer Protection from Unfair Trading Regulations 2008 -- 1”)

## d) the particular legislation used e.g. PACE, RIPA, IP Act (number of instances as a percentage of the total)

## e) what percentage of requests for that data that were rejected, and the reasons for the rejection.

## For guidance, CDRs are part of 'communications data' from a telecoms company. Please see this document, particularly page 13: [*https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/426248/Acquisition\_and\_Disclosure\_of\_Communications\_Data\_Code\_of\_Practice\_March\_2015.pdf*](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F426248%2FAcquisition_and_Disclosure_of_Communications_Data_Code_of_Practice_March_2015.pdf&data=05%7C01%7Cfoi%40scotland.police.uk%7C2b22ef322c7e44a1e9b908db99b225b0%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638272762638577934%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=9sCJksxUemfoFAgzilWyKIr7vkTqSE%2BqqnIrAYK4B4Y%3D&reserved=0)

2. Since 1 January 2018, has Police Scotland purchased or otherwise received (including free of charge) any anonymised mobile phone communications data sets (otherwise known as anonymised CDRs), be they of individuals or aggregate data. (For your information, an example of commercial 'big data' for mobile phones can be found here: [https://thenextweb.com/uk/2012/10/09/telefonica-launches-big-data-analysis-service-for-business-and-local-authorities/](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fthenextweb.com%2Fuk%2F2012%2F10%2F09%2Ftelefonica-launches-big-data-analysis-service-for-business-and-local-authorities%2F&data=05%7C01%7Cfoi%40scotland.police.uk%7C2b22ef322c7e44a1e9b908db99b225b0%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638272762638577934%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=qq2kfMOkYrCse2kWiQqzaE4fGOS1D%2Fd93zOshhZ0vCk%3D&reserved=0))

## a) If yes, please state on how many occasions and when

## b) From which telecoms providers the communications data originated

## c) If purchased via a third-party, please specify which company

## d) The intended use of that data

## e) The total amount spent, if anything

## f) If not purchased but nonetheless shared, please state the name of the body that provided the data

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.

If the above data was held, the following exemptions would be considered relevant:

Section 31(1) – National Security

Section 34 – Investigations by a Scottish Public Authority

Section 35(1) (a) & (b) – Law Enforcement

Section 39(1) – Health and Safety

Disclosure of the requested information, if held, would substantially prejudice the ability of Police Scotland with regards the prevention and detection of crime and the apprehension or prosecution of offenders.

## This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.

Finally, I would ask that you note that statistical information regarding communications data applications is published at a national level by the Investigatory Powers Commissioners Office (IPCO).

 It is assessed that this is the appropriate level for disclosure, with any further breakdown providing tactical insight into the use of this activity by Police Scotland.

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](http://www.itspublicknowledge.info/Appeal), 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](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.