| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2345  Responded to: 20 September 2024 |
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Your recent request for information is replicated below, together with our response.

**1.Incident Report - Detailing the reasons and circumstances of the warrantless entry.**

**2.Police Report - Summarizing the actions taken and the justification for the entry.**

**3.Notebook Entries - Any relevant entries made by the officers involved in the incident.**

**4.Command and Control Logs - Records of communications and decisions made during the operation.**

**5.Decision-Making Records - Any documents or evidence related to the decisions and actions taken regarding the warrantless entry**

**6.Risk Assessment: Was a formal risk assessment conducted prior to the decision to enter the property without a warrant? If so, I request a copy of this assessment and any associated reports.**

**1.Emergency Circumstances: Was the warrantless entry justified under emergency or exigent circumstances? If so, please provide detailed documentation explaining why such circumstances were deemed to exist, including any supporting evidence.**

**2.Legal Basis for Entry: Under what specific legal authority or statute was the decision made to enter the property without a warrant? Please provide a reference to the exact legislation used to justify the entry.**

**3.Notification of Rights: Were any individuals present at the time of entry informed of their rights, as required under relevant legislation? If so, please provide evidence of how and when this was done.**

**4.Recording of Events: Were the actions of officers involved in the entry documented in a contemporaneous log or in any other form of record? If such records exist, please provide a copy.**

**5.Absence of a Warrant: Was an attempt made to obtain a warrant prior to entering the property? If not, please provide documentation or explanations outlining why a warrant was not sought or considered necessary.**

**6.Post-Entry Report: Was a post-entry debrief or review conducted to assess the legality and necessity of the entry? If so, I request the minutes, findings, or conclusions of that review.**

**7. Chain of Command: Who within the police command structure authorized the entry without a warrant? Please provide the name and rank of the officer, along with any documented orders or authorizations.**

**8. Compliance with Policies: Please confirm whether the officers followed all relevant Police Scotland policies and procedures for entering a property without a warrant. If any deviations from standard protocol occurred, please provide details and explanations.**

**9. Grounds Could you please specify the grounds and details under which the warrantless entry into my residence was conducted? if this entry was carried out under common law standards or standard operating procedures. Please point out the specific protocol sections, grounds, and all relevant details related to this procedure used for this entry.**

**11. Officer Training: Were the officers involved adequately trained in the procedures and legal requirements for warrantless entries? Please provide any training records related to this aspect of their duties.**

**12. Internal Complaints or Investigations: Have any complaints or internal investigations been lodged in connection with this warrantless entry? If so, I request access to the records and outcomes of these investigations.**

**13. Use of Force: Was any force used during the entry? If so, please provide details of the force used and any documentation that assesses the proportionality and justification for it.**

**14. Evidence Protocols: Were any items seized during the entry? If so, please provide a list of all items taken and the associated procedures followed for their handling.**

**15. Supervisor’s Approval: Was the decision to enter made by a supervising officer or reviewed post-entry by one? Please provide documentation of any supervisory oversight involved in this decision.**

**16. Internal Communications: Please provide any internal communications (emails, reports, etc.) between officers or departments regarding the decision to enter my property without a warrant.**

**17. Guidelines for Similar Incidents: Can you provide a copy of the general guidelines or protocols that officers are expected to follow in similar situations where a warrant is not obtained?**

**18. Independent Oversight: Was any independent oversight, such as from a third-party agency or body, involved in reviewing the decision to conduct the warrantless entry? If so, I request records of their findings.**

**19. Documentation of Complaints: Are there any records of complaints made by other individuals regarding similar warrantless entries conducted by the same officers involved in my case? If so, I request access to these records.**

**20. Adherence to Human Rights Legislation: Please confirm whether the officers' actions complied with all relevant human rights legislation, specifically the right to privacy and property. If any human rights assessments were conducted, please provide a copy.**

Your request is technically a Subject Access Request(SAR)and it will therefore be considered in terms of the Data Protection Act 2018/ GDPR as explained on our [website](http://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests).

Our Data Protection team will contact you separately in relation to your SAR.

Because you mentioned FOI in your request, we are required by law to provide this *additional* response in terms of the Freedom of Information (Scotland) Act 2002 specifically.

In terms of section 18 of that Act, I am therefore refusing to confirm or deny whether Police Scotland holds information about you.

The public interest overwhelmingly lies in protecting your right to privacy and an individual’s own personal information is exempt from disclosure in terms of the exemption at section 38(1)(a).

I understand that the statement above may seem confusing and/ or unhelpful in the circumstances but I would stress once again that this is the response to your FOI request only - a SAR will be progressed separately.

## 1.The specific legislation or guidelines that govern police entry into private residences without a warrant or consent.

## 2.The procedures that police officers are required to follow when conducting such entries.

## 3.The information available to the officers at the time of entry, including the grounds for their decision to enter.

The information sought is 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”.

The information sought is publicly available, please see Forced Entry to Insecure Premises Standard Operating Procedure:

[Standard Operating Procedures D-F - Police Scotland](https://www.scotland.police.uk/access-to-information/policies-and-procedures/standard-operating-procedures/standard-operating-procedures-d-f/)

## Details regarding the decision-making process, including the names of the officers involved in making the decision to enter, on what grounds, and how those grounds were determined

Please see our previous response of section 18 / 38(1)(a) as this would fall under personal data.

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.