| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0322  Responded to: 27th February 2023 |
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Your recent request for information is replicated below, together with our response.

## Please provide any recorded information describing an actual police code of conduct or anything else stated to be a police code of conduct witnessed by any person to be dispensing light and its alleged witnessed light being witnessed to be contradicted in anyway by a police officer having sex with a transgender or genetic female prostitute 18+ Between 30/1/2016 - 30/1/2021

In September 2022 you submitted the following request (FOI 22-1973):

*“A copy of the code of conduct that the police would consider would be [contradicted] if a male or female police officer was to have consensual sexual relations with a female or transgender female adult prostitute.”*

We responded in terms of section 17 of the Act, information not held, and provided you with links to some documents that may have been of interest to you.

Then, in December 2022 you submitted the following request (FOI 22-2737):

*“I note that when asked under the freedom of information Scotland act 2002 about police officers using transgender female prostitutes for sex, the force did intimate that such would "contradict the light of their own code of conduct". I now simply wish under the freedom of information Scotland act 2002 a full copy of the code of conduct for police officers the force referred to would be contradicted when it intimated that police officers using adult (18+) transgender female prostitutes for sex would be a contradiction to that light. If the code of conduct has already been supplied, please state so and provide a copy of this. I would also request under the foi Scotland act that the police provide a recorded description or other information of the "light" it refers to when it states it would be contradicted if police officers where to have sex with transgender female adult prostitutes as well as how it would be contradicted exsactly.*

*Finally, under the same foi Scotland act I would request any recorded information that would show how the police code of conduct dispenses the referred to light that the force state would be contradicted if a officer of the force was to have sex, with a transgender female adult prostitute.”*

You further clarified:

*“I can not recall what exact foi it was said in relation to therefore, I would settle for a copy of the forces code of conduct if it has not already been given with any recorded information describing that it dispenses light and how.”*

We responded in terms of section 14(2) of the Act, repeated request, and again provided you with links to some documents that may have been of interest to you.

It has been made clear to you that there is no Police Scotland Officer Code of Conduct.

As we have advised you previously, the closest equivalent would be our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/). There is also a [Code of Ethics](https://www.scotland.police.uk/about-us/who-we-are/code-of-ethics-for-policing-in-scotland/) that may be of interest.

Taking all of the above into account, I am refusing to respond to your request on the basis that I consider it to be ‘vexatious’ in terms of section 14(1) of the Act.

‘Vexatious’ is not defined in the Act but I would refer to the following factors as set out in the Commissioner’s guidance:

1. It would impose a significant burden on the public authority
2. It does not have a serious purpose or value
3. It is designed to cause disruption or annoyance to the public authority
4. It has the effect of harassing the public authority
5. It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.

Furthermore, an authority can reasonably conclude that a particular request represents the continuation of a pattern of behaviour. It might, in those circumstances, decide the request can be refused as the continuation of the pattern of behaviour makes the latest request vexatious.

This may arise, for example, where a requester has an on-going grievance against a public authority, or could reasonably be described as conducting an extended campaign to the point that their behaviour can be described as obsessive.

The purpose of FOI is to provide a right of access to recorded information and we respond to thousands of requests each year that seek to exercise that right.

We are committed to the principles of openness and accountability and that means focusing on those requests whereby individuals are genuinely motivated by accessing the information we hold.

You have been told repeatedly that the information sought is not held by Police Scotland.

It is my assessment that overall therefore that this latest request has no serious purpose or value and it also has the effect of harassing Police Scotland in the circumstances.

It is both a burden and significant waste of resources.

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.