| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1616  Responded to: xx July 2024 |
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Your recent request for information is replicated below, together with our response.

## I refer to your recent correspondence seeking information about a crime you have reported, not otherwise identified.

In terms of section 18 of the Act, I am 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 that this is the appropriate response under FOI to the first two questions raised.

In addition, I must advise you that any information about any decisions made by police to progress or not progress with a reported offence would almost certainly be subject to the following exemptions;

Section 34(1)(b) – Investigations

This provides an absolute exemption from disclosure in that information is exempt information if it has at any time been held by Police Scotland for the purposes of an investigation, and

Section 35(1)(b) – Law Enforcement

Section 39(1) – Health, safety and the environment

In regard to Section 35(1)(a)(b) and 39(1), as per the above, release of this information would be likely to prejudice substantially the ability of the police to investigate and detect crime and would have a similar detrimental impact on the apprehension or prosecution of offenders.

In summary, it cannot be in the public interest to disclose information where to do so could provide an operational insight into policing decisions, where any information is of significant intelligence value to would be offenders looking to evade justice.

## Q3 Clarify that it is non-criminal for Police Officers to deliberately lie to a PSD investigation which results in many hours of the public purse being deliberately wasted when further work is then required.

In terms of the specific question posed, the information sought is not held by Police Scotland and section 17 of the Act therefore applies.

To assist, the formal disciplinary process for Police Officers is governed by [the Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made). The associated [Scottish Government Guidance Document](https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/04/conduct-and-performance-procedures-police-guidance/documents/police-guidance-conduct-procedures/police-guidance-conduct-procedures/govscot%3Adocument/Police%2BService%2Bof%2BScotland%2B%2528conduct%2529%2Bregulations%2B2014.pdf) provides further information on the process and allegations are categorised in line with our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

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) outlines how we deal with complaints. Allegations are recorded in accordance with the categories listed at appendices C and D.

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.