| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0548 / 1217 / 1227 & 1293  Responded to: xx June 2024 |
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Your recent request for information is replicated below, together with our response.

The response below is in response to your (four) recent FOI requests.

Your request is not replicated here but the type of information requested has been summarised and an appropriate explanation is provided where appropriate.

**The Role of Information Management**

I must first advise you that the role of Police Scotland’s Information Management department is to ensure compliance with the statutory obligations of information management (disclosure) within Police Scotland by researching, assessing and disclosing routine and complex information in accordance with relevant legislation and standards.

For clarity, Information Management has no operational role or responsibilities in terms of any investigation, subsequent enquiries nor the recording of any associated crimes or offences.

**Requests for Opinion**

It is important to highlight that Freedom of Information legislation deals with the provision of recorded information only.

Accordingly, we are unable to comment or respond to your views on those subject matters and moreover Section 8 of the Freedom of Information (Scotland) Act 2002, applies in that information which requires opinion in essence is not a valid request; it would be subjective on my part to respond in respect of this element of your request’.

**Request for Personal Information**

I refer to your request seeking access to your own personal data.

Your request is technically a Subject Access Request(SAR)and it will therefore be considered in terms of the Data Protection Act 2018/ GDPR. Our Data Protection team will contact you separately in relation to any SAR already submitted.

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).

**Specific information requested;**

The following printed information is enclosed:

* Copy of Police (Ethics, Conduct & Scrutiny) (Scotland) Bill on 6 June 2023
* Care and Welfare of Persons in Police Custody SOP
* Complaints About the Police SOP
* The Police Service of Scotland (Conduct) Regulations 2014 [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)
* Adult Support & Protection SOP
* Equality, Diversity and Dignity SOP
* Mental Health & Place of Safety SOP
* Record Retention SOP
* Custody Forms
* Crime Investigation SOP
* Criminal Justice (Arrest Process) SOP

**Request for *all* SOPs**

In terms of section 14(1) of the Freedom of Information (Scotland) Act 2002, I am refusing to respond to your request on the basis that I consider it to be ‘vexatious’.

‘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 which 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.

It is my assessment that overall, your request has no serious purpose or value and in the opinion of a reasonable person, would be considered to be manifestly unreasonable or disproportionate.

I can confirm that your request has the effect of harassing Police Scotland in the circumstances and is both a burden and significant waste of resources.

Your requests for more general information are addressed below;

**Contact details for Dame Eilish Angiolini**

Currently serving as the Lord Clerk Register (since June 2023). Scottish Courts and Tribunals Service, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD

**Letter of Rights**

In terms of section 17 of the Act, I can confirm that recorded information of relevance to the specific question posed is not held by Police Scotland. To be of assistance you may wish to apply to the Scottish Government for this information, General Enquiries Scottish Government. St. Andrew's House. Regent Road. Edinburgh. EH1 3DG

**How to report a GP for ‘negligence’**

In terms of section 17 of the Act, I can confirm that recorded information of relevance to the specific question posed is not held by Police Scotland. To be of assistance you may wish to apply to the General Medical Council (GMC) Headquarter, Regent's Place, 350 Euston Road, London NW1 3JN

**Recording of injuries in hospital**

In terms of section 17 of the Act, I can confirm that recorded information of relevance to the specific question posed is not held by Police Scotland. To be of assistance you may wish to apply for your own medical information to the appropriate NHS Board.

**How many times have police changed a judges verdict as it does not suit Police Scotland**

In terms of section 17 of the Act, I can confirm that recorded information of relevance to the specific question posed is not held by Police Scotland. I would also refer you to Section 14 response above, specifically at iv) where it has the effect of harassing the public authority.

I would ask you to note that COPFS is independent of Police Scotland and on receipt of a Standard Prosecution Report (SPR) they decide what action to take in the public interest, including whether to prosecute someone or not. They may also direct Police Scotland to carry out additional enquiries and investigations.

**Copies of the** **Criminal Procedure (Scotland) Act & Human Rights Act 1988**

To be of assistance summary / guidance documents are provided.

Legislation is held in a specific format within Police Scotland’s electronic reporting systems and is routinely used for decision making and to furnish police reports. An individual’s right in terms of the legislation is to obtain information held by a public authority at the time a request is received and there is no obligation on them to reformat this information specifically for an information request.

Copies of the official legislation can be requested in writing from the Parliamentary Archives or The Stationary Office (TSO). Universities and large reference libraries are also likely to hold printed copies of UK legislation. Your legal representative may also be able to offer further advice in this respect.

**How many times has a police doctor been called to a Police Scotland’s cops home etc.**

In terms of section 17 of the Act, I can confirm that recorded information of relevance to the specific question posed is not held by Police Scotland. I would also refer you to the Complaints against the Police SOP above.

**Number of cases where the wrong case information was provided.**

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, the requested information cannot be electronically extracted from our recording systems. To identify or locate any information relevant to your request would take far in excess of the 40 hours and £600 prescribed by the Scottish Ministers under the Act.

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.