| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1794  Responded to: 27th August 2024 |
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Your recent request for information is replicated below, together with our response.

The formal conduct 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) further details the process and conduct cases 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 number of officers currently serving (to date) in Police Scotland who are under some form of Restricted Duties documented by Division.

## The length of time for those documented under restrictions in weeks or days.

## Percentage or split of those officers by allegation e.g. Criminal, non criminal / conduct.

Given the numbers involved, the Divisional breakdown requested is considered to be sufficiently detailed that that there exists the potential for individuals to be easily identified.

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 38(1)(b) exemption (Personal Data) applies.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’.

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’.

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by […] a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data’.

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information, I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is considered that disclosure of the information sought would be unlawful.

To be of assistance, we have provided data based on our Regional/ National divisions:

West: G, U, Q, L, K and V divisions.

East: C, E, J and P divisions.

North: A, D and N divisions.

National: Contact Command & Control (C3), Criminal Justice Services (CJSD), Corporate Services (CSD), Operational Support (OSD), Partnerships, Prevention & Community Wellbeing (PPCW) and Specialist Crime Division (SCD).

\*All data is correct as of 2nd August 2024 and is subject to change.

Table 1: Number of officers on Restricted Duties by Regional/National Divisions

| **Region** | **Officers on Restricted Duties\*** |
| --- | --- |
| North | 14 |
| East | 28 |
| West | | 38 |
| National | 25 |
| **Total** | **105** |

Table 2: Length of time (in days) on Restricted Duties

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Region** | **0 - 182** | **183 - 365** | **366 - 545** | **546 - 730** | **731 +** |
| North | 5 | 3 | 1 | 5 | 0 |
| East | 11 | 2 | 4 | 6 | 5 |
| West | 19 | 5 | 8 | 1 | 5 |
| National | 15 | 6 | 0 | 4 | 0 |
| Total | 50 | 16 | 13 | 16 | 10 |

Table 3: Officers on Restricted Duties - by Allegation type

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Region** | **Criminal** | **Non-criminal** | **Conduct** | **At PIRC** |
| North | 10 | 0 | 2 | 2 |
| East | 13 | 2 | 12 | 1 |
| West | 24 | 2 | 10 | 2 |
| National | 14 | 3 | 5 | 3 |
| Total | 61 | 7 | 29 | 8 |

## The number of officers under restricted duties from 2019 (inclusive) to date who have been under restrictions for a period of 3 months or more but never been under or progressed to investigation.

All officers placed on formal restrictions by PSD will be subject to some form of investigation. As such, section 17 of the Act applies as the information requested is not held 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](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.