| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1553  Responded to: 18th September 2023 |
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Your recent request for information is replicated below, together with our response.

**I believe you are a Law Enforcement Competent Authority as defined by Schedule 7 of the Data Proitection Act 2018 ('the Act'), and as such subject to the provisions of Part 3 of the Act.**

**I would be grateful if, under the terms of the Freedom of Information Act 2000/Freedom of Information (Scotland) Act 2002/ or other appropriate and applicable FOI legislation for your organisation, you would provide me with the following information within the statutory period.**

**No. 1 - A copy of your Record of Processing Activities [ROPA] covering all Cloud based services to include the elements listed under S.61 2(a) through 2(j) of the Act.**

**Since this is a document which the authority must already have in place and maintain under a statutory obligation I do not expect this to be difficult to provide with minimal effort.**

**Note: I do not require you to provide information falling under S.61 2(k) relating to security controls applied to meet your obligations under S.66 of the Act. this may be redacted from the ROPA.**

Police Scotland do not hold a ROPA and as such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

We do hold an Information Asset Register (IAR) and over time our aim is for this to contain all of the information the legislation stipulates is required in a ROPA.

Enquiries were made to see if it was possible to provide the information you have requested from our IAR by way of assistance but at present we are unable to extract the required information without a manual review. It was determined that this review would take an estimate of over 79 hours to identify the documents relevant to your request with additional time being required in addition to this in relation to collation/redaction. Whilst the answer to your request is therefore a S17(1), I am unable to suggest you submit the same request for details from our IAR as this would lead to an excessive cost of compliance exemption being applied.

**No. 2 - A copy of applicable Data Protection Impact Assessment(s) conducted under the terms of the Data Protection Act 2018 Part 3 for any of the following Microsoft Cloud based services in use by your organisations:**

**a) Microsoft 365/M365 (& any component service of it including Teams & Dynamics 365)**

**b) Microsoft Azure (and its associated hosted services)**

**Please note:**

**i) A DPIA should not in general contain any specific information relating to system security measures requiring redaction before release but I am aware that some Policing organisations do include this information in their DPIA products.**

**ii) Reasonable redaction of such information - strictly and only to the extent necessary to maintain the security of Police operations (if this has been included in the DPIA) - is acceptable, as is removal or personal data where this does not relate to names of indivuduals in key responsible roles.**

**iii) General redaction of core information relating to any relevant DPIA content required to evidence your organisations achievement against their statutory obligations would however be unacceptable.**

**Redactions or refusals on the basis of exemptions under S.24, S.31 and/or S.36 (or their equivalent) shall be robustly challenged, since nothing in a DPIA should feasibly relate to such matters.**

Please find attached the requested information as Applicant Data 01.

I must advise that it has been necessary to withhold some of the information requested, therefore, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

Section 30(c) - Prejudice to the Effective Conduct of Public Affairs

Section 35(1)(a) – Law Enforcement

Section 38(1)(b) – Personal Information

**Section 30 (c) - Prejudice to the Effective Conduct of Public Affairs.**

Where necessary some internal names and email addresses have been redacted. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of various departments and external partner agencies. While it is acknowledged that the disclosure of this information would support transparency and better inform the public as to how the Service conducts its business, there are already established routes for the public to make contact with the police and the disclosure of these additional details would not support the effective conduct of public affairs. As a result, section 30(c) of the Freedom of Information (Scotland) Act 2002 is engaged.

## Section 35(1)(a) – Law Enforcement

Where necessary limited information in relation to the format of login credential has been redacted. To release these details publicly through FOI legislation could provide attack opportunities against our systems.

The requested information could be used by a hostile party to plan and execute an attack on the Service’s systems. Such attacks could take the form of data theft, denial of service or other deliberate disruptions. This could not help but have the effect of reducing the ability of the police to undertake relevant activities.

This is a non-absolute exemption and requires the application of the public interest test.

**Public Interest Test**

The public interest factors favouring disclosure of the information surround the Service’s accountability for public funds in terms of the cost to the public purse.

Those favouring retention of the information surround the adverse effect on the efficiency of the Service. Disclosure would provide those intent on disrupting police activities with enough information to plan and execute a targeted attack. Where systems are compromised, there is also the potential for sensitive information such as personal data, security information and other data to be made public, therefore, in this instance the factors favouring retention of the data outweigh those of disclosure.

**Section 38(1)(b) – Personal Information**

Any information that could lead to the identification of individuals has been redacted. This is in accordance with Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 –Personal Information.

This relates to the names and email addresses of any staff member within Police Scotland of a more junior role (below the rank of Superintendent or Head of Department). Those of a more senior rank have been included as it is deemed within the public interest to do so.

As such, the processing would be unfair and unlawful in respect of the individuals concerned and would therefore be in breach of the first principle of the Data Protection Act 2018. This is an absolute exemption, which does not require a public interest test to be conducted.

**No.3 - A copy of the specific contract or terms of service applied for the above services between your organisations (as Controller) and Microsoft (as Processor) as required under S.59 of the Act; or confirmation that the Terms of Service applicable to your use of their services are solely the Microsoft Standard Terms.**

**Please note:**

**The Contract/Terms of Service do not need to include any financial information - I am not seeking that, or any other commercially sensitive information, at this time.**

Please find attached the requested information as Applicant Data 02.

I must advise that it has been necessary to withhold some of the information requested, therefore, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is set out at:

Section 30(c) - Prejudice to the Effective Conduct of Public Affairs

Section 38(1)(b) – Personal Information

**Section 30 (c) - Prejudice to the Effective Conduct of Public Affairs.**

Where necessary some internal names and email addresses and an external email address has been redacted. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of various departments and external partner agencies. While it is acknowledged that the disclosure of this information would support transparency and better inform the public as to how the Service conducts its business, there are already established routes for the public to make contact with the police and the disclosure of these additional details would not support the effective conduct of public affairs. As a result, section 30(c) of the Freedom of Information (Scotland) Act 2002 is engaged.

**Section 38(1)(b) – Personal Information**

Any information that could lead to the identification of individuals has been redacted. This is in accordance with Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 –Personal Information.

This relates to the names and email addresses of persons who are outside Police Scotland and any staff member within Police Scotland of a more junior role (below the rank of Superintendent or Head of Department). Those of a more senior rank have been included as it is deemed within the public interest to do so.

As such, the processing would be unfair and unlawful in respect of the individuals concerned and would therefore be in breach of the first principle of the Data Protection Act 2018. This is an absolute exemption, which does not require a public interest test to be conducted.

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.