| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1694  Responded to: 30 August 2023 |
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Your recent request for information is replicated below, together with our response. Please accept my apologies for the delay in responding.

## 1. Could you supply all correspondence between Police Scotland and the Scottish Government regarding the police investigation into the SNP codenamed Operation Branchform between March 1 2023 and the date of this FOI.

I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600/40 hours and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, our records are easily identifiable for a policing purpose and should someone wish to obtain information relating to a specific aspect in relation to an investigation such as Operation Branchform, then the appropriate department would be contacted and information sought.

In terms your specific request, it is too wide to collate data within the timescales prescribed under the Act.  To explain further, each area has their own shared drives, which would require to be checked for documentation, along with every individual’s mailbox and also any departmental mailboxes.  Whilst we could carry out a search of departments where we think the information would be held relating to your request, we cannot guarantee that this would produce any information or would provide a full and accurate picture in terms of your request.

In terms of a central repository of information relevant to this enquiry, there is in excess of 1000 folders, containing over 10,000 files.  Once the items are transferred to this repository, the date on the file is amended electronically to show the date that the file was moved to that repository and therefore the ability to perform date relevant searches diminishes.  We have then performed key word searches and as way of an example, the term Operation Branchform returned 604 items which would then require to be individually accessed, read and assessed as to whether it would fall within the terms of this request.  Similar checks would require then to be performed on similar phrases such as Op. Branchform and Branchform which would again add to the number of files that would require to be checked. If it took 5 minutes to search each document this would result in 50 hours, which exceeds the £600 and 40 hours prescribed by the Scottish Ministers under the Act.

## 2. How many meetings have Police Scotland's Iain Livingstone/other deputy chief constables held with the justice secretary this year? List of dates for these.

There have been a total of 5 meetings between the Chief Constable and the justice secretary this year. The dates are as follows:

14/06/23 - 2 meetings – DCC Connors was also present at both meetings

18/05/23

27/04/23

31/03/23

## 3. All minutes/briefings from these meetings?

In relation to the minutes from these meetings, a search of our systems has identified 6 relevant documents and I have attached these separately.

I would ask that you note the following:

23-1694 Data 1 relates to the meeting on 14/06/23

23-1694 Data 2, 3 & 4 relate to the meeting on 18/05/23

23-1694 Data 5 & 6 relate to the meeting on 24/04/23

Further you will note that these documents have been redacted in parts. Section 16 of the Act requires Police Scotland 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. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

The exemptions that I consider to be applicable are as follows:

## Section 30(b) Prejudice to effective conduct of public affairs

Information is exempt if its disclosure under this Act would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation.

The exemptions in section 30(b) focus on the effect that disclosure of information would have (or would be likely to have) on the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.

The information held details thinking and deliberation. Releasing this information into the public domain is likely to frustrate business process and would inhibit the manner in which those issues are debated in future, effectively undermining the ability to ensure that there is sufficient opportunity to ensure all potential concerns and viewpoints are accurately identified and addressed by those involved for fear that their comments would be released.

This is a non-absolute exemption which requires the application of the Public Interest Test.

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

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

Whilst I appreciate the reasons why you might wish this information, I also have to consider the wider implications of the public release of such information as a release of information under this Act is, essentially, a release of sensitive information into the public domain prior to a final decision being reached.

This is a non-absolute exemption which requires the application of the Public Interest Test.

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

In this case internal phone numbers have been redacted. To release these publicly could negatively impact on the operational effectiveness of the relevant department(s) within Police Scotland. 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.

This is a non-absolute exemption which requires the application of the Public Interest Test.

**Public Interest Test**

I appreciate there is an interest in the release of such information, however this must be tempered against what is of interest to the public and what is in the public interest.

The Act does not define the public interest, however, it has been described as “something that is “in the interest of the public”, not merely “of interest to the public.” In other words, it serves the interests of the public.

It is in the public interest that service is accountable and transparent relating to its actions and the use of public funds and this would favour disclosure of the requested information.

That said, release of free and frank conversation/advice could negatively impact on the operational effectiveness of Police Scotland and their partners.

If individuals were unwilling to contribute to such deliberations or put forward proposals in the future, fearing their initial views were publicly attributable, or in case any non-factual information was disclosed prior to matters being finalised, any efforts to achieve honest opinions, would be hindered.

Accordingly and to ensure that internal processes are protected this information cannot be provided. There can be no public interest in disclosing information which would make it more difficult to offer an efficient and effective service and could negatively impact health and safety.

Accordingly, in this instance, the balance of the public interest test favours retention of the requested information.

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.