



Freedom of Information Response

Our reference: FOI 24-0427

Responded to: 10 July 2024

I refer to the Scottish Information Commissioner’s decision, with reference number – 202400614 and your original and review request with Police Scotland’s reference number – 24/0427 and provide our response. Please accept our apologies for the delay in responding.

Your request for information is replicated below, together with our response.

1. As of 31st October 2023 (or current day if unable to search by a historical date) the number of Police Officers and Members of Police Staff who have completed the services’ online/Moodle ‘Whistleblowing’ learning package. Where possible this information is requested as a percentage of the total workforce and broken down per rank/staff grade with number of officers/staff in workforce, number completed training and percentage completed.

Please find below 2 tables with the data requested as of 31 October 2023. The tables provide the number of completed whistleblowing e-learning courses, the total headcount and the % of completed courses against total headcount broken down by rank/grade.

Police Officer - Whistleblowing - E-learning			
	No. of Completed	Total Headcount	% Completed against headcount
PC	1138	12954	8.78%
PS	244	2483	9.83%
PI	85	845	10.06%
CI	10	219	4.57%
SUP	10	104	9.62%

Police Staff - Whistleblowing - E-learning			
	No. of Completed	Total Headcount	% Completed against headcount
Grade 1	2	124	1.61%
Grade 2	49	386	12.69%
Grade 3	148	1882	7.86%
Grade 4	226	1447	15.62%
Grade 5	57	838	6.80%
Grade 6	27	396	6.82%
Grade 7	23	464	4.96%
Grade 8	12	318	3.77%
Grade 9	5	149	3.36%
Grade 10	5	124	4.03%
Grade 11	1	36	2.78%
Grade 12	1	21	4.76%

2. Information on any mandatory or other training officers and staff receive in relation to whistleblowing (this is not covered in any material available online).

I can advise that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, Whistleblowing is not covered in any other training material out with the e-learning course which is detailed above.

3. Information and records (including dates and findings) relating to workplace fire and health and safety inspections conducted as part of planning for the Scottish Violence Reduction Unit moving to their current base of 1st Floor, James Miller House, 98 West George Street, Glasgow in 2019.

I can advise that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, a search of our recording systems has not identified any relevant documentation relating to workplace fire and health and safety inspections conducted as part of planning for the Scottish Violence Reduction Unit moving to their current base of 1st Floor, James Miller House, 98 West George Street, Glasgow in 2019.

4. Information and records (including dates and findings/action taken) relating to workplace fire and health and safety inspections conducted while Officers and staff have been based at Scottish Violence Reduction Unit, 1st Floor, James Miller House, 98 West George Street, Glasgow from 2019 to current day (2024).

I have attached, separately, 10 documents which meet the terms of your request. You will note that some information has been redacted and the following exemptions are applicable:

Section 38(1) (b) - Personal Data

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'

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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 set out at Article 6(1)(f) which states:
'Processing is necessary for the purposes of the legitimate interests pursued by the controller or 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 and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s). On that basis, it is my view that disclosure of the information sought would be unlawful.

This is an absolute exemption and does not require the application of the public interest test.

39 (1) – Health, safety and the environment

Disclosure would increase the risk to the personal safety of Police Officers and Police Staff working within this Police Office.

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

Public Interest Test

Public awareness and accountability would favour a disclosure on this subject as it would contribute to the public debate surrounding the efficient and effective use of resources by the Service. However, in contrast, there is no public interest in disclosing information which is likely to have an adverse impact upon the safety of our staff and the general public.

Accordingly, on balance, the public interest in disclosing the information requested is outweighed by that in maintaining the exemption detailed above.

5. The number of concerns/disclosures made to the Police Service of Scotland which have been classed as 'Whistleblowing' in terms of the Public Interest Disclosure Act (2008) each year from 2014 to 2024. With any available information on the type of disclosure and outcome.

In relation to the period between 1 April 2013 and 31 March 2017, the information sought is no longer held by Police Scotland and in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, in accordance with our record retention procedures this information has been destroyed.

For the period 1 April 2017 to date, a breakdown by financial year and category is provided below:

2017/18 – 1

Abuse of Authority – 1

2018/19 – 4

Organisational Risk – 4

2019/20 – 13

Grievance Related Matter – 4

Performance – 2

Organisational Risk – 4

Commit, Incite, Aid and Abet, Assist in the Commission of a Crime – 2

Other – 1

2020/21 – 6

Organisational Risk – 3

Commit, Incite, Aid and Abet, Assist in the Commission of a Crime – 2

Grievance Related Matter – 1

2021/22 – 12

Misuse of Police Systems – 1

Controlled Drug Use and Supply – 1

Business Interest – 1

Performance – 1

Commit, Incite, Aid and Abet, Assist in the Commission of a Crime – 4

Perverting the Course of Justice – 1

Sexual Misconduct – 2

Theft and Fraud – 1

2022/23 – 14

Performance – 3

Disclosure of Information – 3

Misuse of Force Systems – 2

Performance – 1

Other Criminal Behaviour – 3

Sexual Misconduct – 1

Organisational Risk – 1

2023/24 – 18

Performance – 2

Organisational Risk – 2

Inappropriate social media – 4

Other Criminal Behaviour – 5

Grievance Related – 2

Sexual Misconduct – 2

Misuse of Force Systems – 1

In relation to the outcomes, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with this information.

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

- states that it holds the information,
- states that it is claiming an exemption,
- specifies the exemption in question and
- 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 as follows:

Section 38(1) (b) - Personal Data

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

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'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 set out at Article 6(1)(f) which states:

'Processing is necessary for the purposes of the legitimate interests pursued by the controller or 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 and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s).

Due to the sensitive/confidential nature of Whistleblowing as a whole Police Scotland have a duty to protect the source and the subject of the report. With the figures being particularly low in certain categories, there is a real risk of identification should the outcome be provided.

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

This is an absolute exemption and does not require the application of the public interest test.

6. Detail on budget/finance allocated to the work of the Scottish Violence Reduction Unit (SVRU) with a breakdown of the amounts and source of funding for the SVRU and as detailed a breakdown as possible (to include staffing, individual projects etc), on the spending of the SVRU for each financial year: 2020/2021, 2021/2022, 2022/2023, 2023/2024.

CATEGORY	2020/21	2021/22	2022/23
INCOME – GRANT INCOME	£878,435	£1,063,756	£1,104,099
EXPENDITURE			
POLICE STAFF COSTS	£473,180	£451,818	£445,147
POLICE OFFICER COSTS	£238,442	£260,669	£229,139
OPERATIONAL COSTS	£12,159	£27,567	£28,298
PROJECTS	£154,653	£323,702	£401,515
TOTAL EXPENDITURE	£878,435	£1,063,756	£1,104,099

*** Grant income is received quarterly.**

You will note that no information has been provided for the financial year 2023/24 and in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with this information.

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

- states that it holds the information,
- states that it is claiming an exemption,
- specifies the exemption in question and
- 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 as follows:

Section 30(b) Prejudice to Effective Conduct of Public Affairs

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.

To advise, this information is incomplete and has still to be audited and ratified by Police Scotland.

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

Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

On balance, Police Scotland consider that the release of the requested information, would significantly limit and de-value the audit process.

Release of this information would inhibit and undermine the audit process.

There can be no public interest in disclosing information which would make it more difficult to offer an efficient and effective service.

7. Information relating to arrangements/agreements for funding/management/staffing or other support of Scottish Charities 'Braveheart Industries' and 'One Community Scotland' by the Police Service of Scotland including any via the Scottish Violence Reduction Unit since the units' inception. Funding information for these charities to include financial years: 2020/2021, 2021/2022, 2022/2023, 2023/2024. Copies of any agendas or minutes held in relation to the governance or management of the Scottish Violence Reduction Unit for financial years: 2020/2021, 2021/2022, 2022/2023, 2023/2024.

8. Information relating to any agreement between the Scottish Government and Police Service of Scotland which relates to the operation of the Scottish Violence Reduction Unit - including funding, management, staff, governance, liabilities etc.

A search of our recording systems has identified a total of 50 documents and this data is provided separately.

You will note that some information has been redacted and in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the redacted information.

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

- states that it holds the information,
- states that it is claiming an exemption,
- specifies the exemption in question and
- 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 as follows:

Section 38(1) (b) - Personal Data

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

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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 set out at Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or 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 and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s). On that basis, it is my view that disclosure of the information sought would be unlawful.

This is an absolute exemption and does not require the application of the public interest test.

39 (1) – Health, safety and the environment

Details of some premises have been removed as disclosure would increase the risk to the individuals working and attending these locations.

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

Public Interest Test

Public awareness and accountability would favour a disclosure on this subject as it would contribute to the public debate surrounding the efficient and effective use of resources by the Service. However, in contrast, there is no public interest in disclosing information which is likely to have an adverse impact upon the safety of our staff and the general public.

Accordingly, on balance, the public interest in disclosing the information requested is outweighed by that in maintaining the exemption detailed above.

Section 30(b) – free and frank provision of advice or exchange of views

Information is exempt under sections 30(b) if disclosure would, or would be likely to, inhibit substantially:

- (i) the free and frank provision of advice (section 30(b) (i)) or
- (ii) the free and frank exchange of views for the purposes of deliberation (section 30(b) (ii)).

Information is exempt under section 30(b) if disclosure 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 sharing of this content would likely have a negative impact on the effective conduct of public affairs.

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

Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

That said, 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 which is of serious concern and benefit to the public,” not merely something of individual interest. It has also 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.

A decision for non-disclosure follows consideration of the harm that could be caused by release of such information. 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 and as such the balance of the public interest test favours retention of the information.

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

Information is exempt information if its disclosure under the Act would otherwise prejudice substantially, or be likely to prejudice, the effective conduct of public affairs.

In this instance the telephone number and e-mail address cannot be disclosed. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of the service and partner agencies. The phone numbers and email addresses are used for operational/business purposes and this information has been removed in order to ensure that internal processes are protected.

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

Public Interest Test

Release of e-mail addresses and telephone numbers which are not in the public domain could negatively impact on the operational effectiveness of Police Scotland. 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.

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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](#) 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](#), by [email](#) 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](#) 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.