| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0229  Responded to: xx February 2024 |
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Your recent request for information is replicated below, together with our response.

## I would like to request a copy of Police Scotland's Records Management Plan (RMP) referred to in the Management of Records Standard Operating Procedure.

Having considered your request in terms of the above Act, I would first of all advise you that Police Scotland’s priority is to keep the people of Scotland safe.

Accordingly, in terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with some of the requested information.

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 all of the information that you have requested and the exemptions that I consider to be applicable to part of that document:

Having considered your request in terms of the above Act, I would first of all advise you that Police Scotland’s priority is to keep the people of Scotland safe.

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 following exemptions apply:

* Section 35(1)(a)&(b) - Law Enforcement
* Section 39(1) - Health and Safety

Whilst the majority of the requested information can safely be placed in the public domain, it is assessed that the release of some details would be detrimental to the service and are therefore not suitable for public disclosure under the Act.

Information that undermines the operational integrity of policing activity will clearly adversely affect public safety and have a negative impact on law enforcement.

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

Turning to the matter of public interest, the key test is to establish whether, in all the circumstances of the request, the public interest in confirming or denying the information is held is not outweighed by maintaining the exemption(s).

Whilst accountability for public funds and better informing the public debate on this matter may favour disclosure, ensuring the integrity of the police response to criminal activity and ultimately, keeping people safe from harm is paramount.

Nevertheless, the efficient and effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement.

Information that undermines the operational integrity of policing activity will clearly adversely affect public safety and have a negative impact on law enforcement – accordingly some limited information has been withheld.

I can also confirm that the names of two individuals have been removed from page 7 of the document:

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’*

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, in particular where the data subject is a child’*

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.

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.