| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0071  Responded to: 3 February 2023 |
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Your recent request for information is replicated below, together with our response.

## 1. How many NDAs did your police force issue from January 2018 to the end of December 2022?

## a. Please provide a yearly breakdown of this.

## 2. How much money has your police force spent on NDAs from January 2018 to the end of December 2022?

## a. Please provide a yearly breakdown of this.

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, Police Scotland did not record Non-Disclosure Agreements, confidentiality clauses or the like for all litigation files for the period in question. In order to ascertain whether the Service has entered into an NDA/confidentiality clause in any settlement we would require to review each litigation file individually.

From financial records we can identify those litigation files where settlement or compensation payments have been made. Since 2018 there have been in excess of 600 such files (consisting of Public Liability Claims, Employer Liability Claims and Motor Liability Claims).

If I was to use the example that it took 10minutes to individually review each of those files then calculations show that for 600 files, it would take approximately 100 hours and would cost approximately £1,500 to carry out this task. This is in excess of the £600 prescribed by the Scottish Ministers under the Act.

For the purposes of transparency, the number of NDAs entered into in relation to public liability and motor claim litigation for the period is thought to be 2 cases (where the NDA was sought by the other party to the action).

Finally, Police Scotland does record NDAs/confidentiality agreements entered into in relation to Employer liability claims and I can advise as follows:

2018 – 5 claims - £450,760.00

2019 – 4 claims - £65,500.00

2020 – 7 claims - £94,330.00

2021 – 4 claims - £63,801.00

2022 – 17 claims - £267,750.00

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.