| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2454  Responded to: xx October 2024 |
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Your recent request for information is replicated below, together with our response.

## Can I please request the following information under the Freedom of Information (Scotland) Act 2002:

## The total number of data protection breaches that have occurred during each year since 2018. For each breach reported, please provide (a) the year of the breach, (b) if possible, the department involved, (c) if possible, the number of individuals affected.

## Please provide information on whether any serious data breaches (as defined under GDPR) have failed to be reported to the Information Commissioner’s Office (ICO) within the legally required 72-hour period and the year of the breach.

For clarity, an Information Security Incident is defined as *any* event or action that results in an actual or potential compromise of Police Scotland information assets, the communications infrastructure, physical harm to individuals or loss or theft of ICT equipment.

If personal information is compromised, then the Information Security Incident is further considered as a Data Breach in compliance with the [Data Protection Act 2018 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted)

The requested information in relation to 1a) and 2 is provided in the table below:

| **Year** | **Breaches Reported** | **Data Loss Incidents** | **Reported to ICO** | **Within 72 hours** |
| --- | --- | --- | --- | --- |
| 2018 | 253 | 171 | 3 | Section 17 applies \* |
| 2019 | 532 | 430 | 3 | 2 |
| 2020 | 496 | 349 | 1 | 0 |
| 2021 | 588 | 391 | 2 | 1 |
| 2022 | 616 | 433 | 0 | 0 |
| 2023 | 653 | 419 | 1 | 1 |
| 2024 | 625 | 388 | 0 | 0 |

The information provided was correct at 16th October 2024

\* As the ICO timeframe information was not recorded prior to 2019. section 17 of the Act applies and I can confirm that the information sought is not held by Police Scotland.

Turning to 1b), ‘if possible, the department involved’, I must advise you that 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.**

Where disclosure would enable those engaged in criminal activity to identify potential areas of weakness in the service.

**Section 39(1) - Health, Safety and the Environment.**

Police Scotland has a duty of care to its staff and in particular to those officers who specifically work within the areas concerned.

To identify the number of breaches in specific business areas may provide simplistic and negative comparisons across the service, and potentially discourage officers and staff to report any such incidents.

Any such disclosure may also highlight business areas which are perceived in being more susceptible to breaches.

It is essential to report breaches of information security and losses of police information as soon as they are identified to enable the risks to be assessed and a recovery plan to be put in place.

In terms of public interest, scrutiny is already provided by the Information Commissioner (ICO) who is the sole regulatory body in Scotland. Our information rights obligations are overseen by this organisation through promoting good practice and policy guidance for all matters relating to data protection.

I have been unable to identify any corresponding public interest in the disclosure of this level of detail and accordingly the exemptions are applied.

In terms of 1c) I can advise you that this level of detail is not easily retrievable, and I am unable to provide exact data requested as it would require the individual assessment of all 2581 records to ascertain the number of individuals involved.

Unfortunately, I therefore estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

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.