| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2435  Responded to: xx October 2024 |
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Your recent request for information is replicated below, together with our response.

## 1. The current number of Police Scotland owned and rented residential properties in Inverness and for the Highlands and Islands Division.

Police Scotland currently own / lease 64 residential properties across the Highlands and Islands, one of which is located in Inverness.

## Also, the location of these properties.

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 exemption set out at section 38(1)(b) of the Act applies - 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 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 I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

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

Even were the exemption above not applicable, there would be obvious concerns relating to the wholesale publication of the home addresses of police officers based in the Highlands and Islands, making any such decision subject to further consideration under Section 39(1) of the Act if disclosure would be likely to endanger the physical health or safety of an individual.

## 2. A breakdown of how many residential properties in Inverness and the Highlands and Islands were owned or rented by Police Scotland or its predecessor organisation since 2000.

The earliest records available date from 2007 and any information before this is no longer held.Therefore section 17(1) of the Freedom of Information (Scotland) Act 2002 applies: notice that information is not held.

On that basis I can confirm that in 2007 there were 124 residential owned / leased properties across the Highlands and Islands, 14 of which were located in Inverness.

## 3. Details of the income raised from the sale of police-owned residential properties in Inverness and the Highlands and Islands since 2000.

The earliest records available date from April 2014 and any information before this is no longer held.Therefore section 17(1) of the Freedom of Information (Scotland) Act 2002 applies: notice that information is not held.

The Asset system holds records going back to April 2014 and from this we were able to identify £4,715,847 in proceeds arising from the sale of 38 properties.

From the final year’s records (spreadsheet based and unable to be verified via our electronic systems) we were able to identify an additional £1,759,971 in proceeds arising from the sale of 15 properties.

Please note that any sales will be excluded from the return where they are not termed as purely residential properties e.g. a police office and combined flat property.

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.