| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-3146  Responded to: 28 January 2025 |
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Your recent request for information is replicated below, together with our response. Please accept my apologies for the delay in responding.

## 1.  Since 1st April 2014, how many serving police officers have been subject to a misconduct assessment in respect of solely data protection matters?

The formal conduct process for Police Officers is governed by [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made). The associated [Scottish Government Guidance Document](https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/04/conduct-and-performance-procedures-police-guidance/documents/police-guidance-conduct-procedures/police-guidance-conduct-procedures/govscot%3Adocument/Police%2BService%2Bof%2BScotland%2B%2528conduct%2529%2Bregulations%2B2014.pdf) further details the process and conduct cases are categorised in line with our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

The recording of allegations involving Data Protection on the Professional Standards database commenced around February 2016 onwards and therefore the data can only be provided from this date. Figures provided in the table below detail the number of subject officers linked to an allegation involving a data protection allegation and subject to a Regulation 10 [of the Police Service of Scotland (Conduct) Regulations 2014] preliminary assessment for these allegations.

As per the specifics of your request, cases which involve only allegations with a data protection circumstance have been included in the data we have provided. Please note any cases which involve allegations with a data protection circumstance alongside other types of allegations (i.e. not data protection related) are excluded from the data provided below.

*Table 1: Number of regulation 10 preliminary assessments for cases involving only data protection allegations, by financial year 1 2 3*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2012/22 | 2022/23 | 2023/24 | 2024/25 |
| 6 | 8 | 14 | 14 | 15 | 22 | 19 | 5 | 18 | 17 |

1. Data is based on the Regulation 10 preliminary assessment date.

2. Data for 2015/16 covers the period of 01/02/2016 – 31/03/2016 inclusive.

3. Data for 2024/25 covers the period of 01/04/2024 – 16/12/2024 inclusive.

## 2. For the same time frame, how many of those identified in question 1 have been subject of a misconduct or gross misconduct investigation?

Regulation 11 of the Regulations relates to the serving of a notification of investigation (misconduct or gross misconduct) to the subject officer. Figures provided in the table below detail the number of misconduct investigations for subject officers linked to an allegation involving a data protection circumstance who having been subject to a Regulation 10 preliminary assessment have then been subject to a Regulation 11 notice.

The data below is based on the Regulation 10 preliminary assessment date. Please note the Regulation 11 notice of investigation date may vary from the Regulation 10 preliminary assessment date as the Regulation 11 notice of investigation may occur and be recorded on a different financial year from the original Regulation 10 preliminary assessment.

*Table 2: Misconduct investigations following Regulation 10 preliminary assessments for cases involving only data protection allegations, by financial year 1 2 3*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2012/22 | 2022/23 | 2023/24 | 2024/25 |
| 0 | 1 | 3 | 0 | 1 | 3 | 0 | 0 | 2 | 1 |

1. Data is based on the Regulation 10 preliminary assessment date.

2. Data for 2015/16 covers the period of 01/02/2016 – 31/03/2016 inclusive.

3. Data for 2024/25 covers the period of 01/04/2024 – 16/12/2024 inclusive.

## 3. For the same timeframe, please break down the disposals for all officers who have been subject of a misconduct assessment for solely data protection?

Figures provided in the table below detail the number of allegations involving a data protection circumstance, categorised by allegation disposal having been subject to a Regulation 10 preliminary assessment. As above, only cases which solely involve allegations with a data protection circumstance have been included in the data we have provided.

This data is based on the Regulation 10 preliminary assessment date.

Please note allegations which have been assessed at the Regulation 10 date may remain subject to live enquiry as part of the misconduct process and therefore may not yet be concluded. Allegation disposals are only resulted at the conclusion of a case.

Please also note each case subject to a Regulation 10 preliminary assessment may involve multiple allegations, therefore the number of allegations may vary from the number of preliminary assessments.

*Table 3: Number of allegations attached to Regulation 10 preliminary assessments for cases involving only data protection allegations, by allegation disposal and financial year 1 2 3*

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2012/22 | 2022/23 | 2023/24 | 2024/25 |
| Hearing - Verbal Warning | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Hearing - No Action | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Meeting - Written Warning | 0 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Meeting - Improvement Action | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Meeting - No Action | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Management Action | 6 | 8 | 17 | 18 | 14 | 35 | 23 | 4 | 19 | 11 |
| Performance Regulations | 0 | 0 | 6 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| No Action | 0 | 2 | 1 | 2 | 1 | 1 | 5 | 2 | 4 | 0 |
| Retired/  Resigned | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 |
| Ongoing - allegation not yet concluded | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| Total | 6 | 11 | 51 | 20 | 22 | 36 | 29 | 6 | 25 | 20 |

1. Data is based on the Regulation 10 preliminary assessment date.

2. Data for 2015/16 covers the period of 01/02/2016 – 31/03/2016 inclusive.

3. Data for 2024/25 covers the period of 01/04/2024 – 16/12/2024 inclusive.

## 4. For the same time frame, of the number identified in question 1, how many of those officers were suspended from duty because of solely data protection issues?

Figures provided in the table below detail the number of subject officers suspended in relation to allegations involving a data protection circumstance and subject to a Regulation 10 preliminary assessment. This data is based on the date of the Regulation 10 preliminary assessment.

As above, cases which involve only allegations with a data protection circumstance have been included in the data we have provided.

Please note the suspension start date may vary from the Regulation 10 preliminary assessment date which may result in the suspension start date occurring within a different financial year to the Regulation 10 preliminary assessment date.

*Table 4: Number of officers suspended and subject to Regulation 10 preliminary assessments for cases involving only data protection allegations, by financial year 1 2 3*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2012/22 | 2022/23 | 2023/24 | 2024/25 |
| 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 |

1. Data is based on the Regulation 10 preliminary assessment date.

2. Data for 2015/16 covers the period of 01/02/2016 – 31/03/2016 inclusive.

3. Data for 2024/25 covers the period of 01/04/2024 – 16/12/2024 inclusive.

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.