| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2421  Responded to: 15 October 2024 |
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I refer to your recent request for information which has not been repeated here due to the fact that it names specific individuals.

I am refusing to confirm or deny whether the personal information sought exists or is held by Police Scotland in terms of section 18 of the Act. Section 18 applies where the following two conditions are met:

* It would be contrary to the public interest to reveal whether the information is held.  
  Whilst we accept that you may have a particular personal interest in being informed as to whether the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and their expectation of confidence as regards their information.

In this instance, if the information was held, sections 34(1), 35(1)(a)&(b), 38(1)(b) and 39(1) of the Act would apply insofar as you have requested informationwhich is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

In addition, to disclose whether or not information was held would confirm whether or not the circumstances referred to were in some way known to Police Scotland.

By way of further background, a public authority can refuse to confirm or deny whether it holds information, provided it is satisfied that revealing whether the information exists or is held would be contrary to the public interest. In such instances, it is recognised that harm exists even in confirming or denying in the public domain that the information is held.

In this instance, I believe it would be contrary to the public interest to reveal whether or not the information sought exists or is held.

**This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.**

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.