| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2430Responded to: xx October 2024 |
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Your recent request for information is replicated below, together with our response.

## Can you please confirm whether Police Scotland’s Chief Constable Jo Farrell’s official residence is in Edinburgh, Scotland?

In terms of section 18 of the Act I can neither confirm nor deny whether the Chief Constable’s ‘official residence’ is located in Edinburgh.

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 or not the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act. In this case:

Section 38(1)(b) - 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 set out at 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 and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

The potential consequence of disclosure in this particular case is such that the right of that individual to have a private and family life would be threatened, a right which is protected under ECHR (Article 8).

Taking all of the above into account, it is my view that disclosure of the information sought would be unlawful.

Notwithstanding, to be of some assistance I can confirm that the Chief Constable resides in Scotland.

## What is the total cost to the taxpayer for Ms Farrell’s Scottish residence? Please provide these figures as a monthly and annual figure since she took the post in October 2023.

Police Scotland manage contracts of employment and associated terms for all police officers up to and including officers of the rank of Chief Superintendent.

Any terms of contract and agreed expenditure relative to the appointment of senior officers (Assistant Chief Constable and above) are the responsibility of the Scottish Police Authority (SPA) who may therefore be in a position to offer further advice.

Requests for information can be submitted to foi@spa.police.uk or to the following address: Scottish Police Authority, 1 Pacific Quay, Glasgow G51 1DZ

On that basis section 17 of the Act applies and I can confirm that the information sought is not held by Police Scotland.

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 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 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.