| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-3277Responded to: 31 January 2025 |
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Your recent request for information is replicated below, together with our response.

## A comprehensive list of any journalists and lawyers subjected to surveillance by your police force between 2010 and 2024, but if there are appropriate reasons for withholding the names, then at least the number of targets of such surveillance carried out.

## Details of the circumstances and authorisations under which such surveillance was conducted.

## If your force has not engaged in such practices, I would appreciate written confirmation to that effect.

In terms of section 18 of the Act, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland. 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 doing so would provide transparency and contribute to the public debate surrounding the application of these measures, the overwhelming public interest lies in protecting the integrity of investigative techniques.

If the information was held, it would be exempt from disclosure. In this instance, the following exemptions would apply:

Section 31(1) - National Security
Section 34(1)(b) - Investigations
Section 35(a)&(b) - Law Enforcement
Section 38(1)(b) - Personal Information
Section 39(1) - Health and Safety

It is acknowledged that matters relating to the use of these measures are of public interest and such awareness may favour confirming or otherwise the existence of further information of relevance, as it would contribute to the public debate surrounding the issue.

However, I would argue that the integrity of any protective measures would be significantly undermined if we were to confirm the extent of information held, through FOI or otherwise, and any such disclosure would substantially prejudice the ability of Police Scotland with regards the prevention and detection of crime and the apprehension or prosecution of offenders.

The key test when considering where the balance of public interest lies is to establish whether, in all the circumstances of the request, the public interest in confirming or denying the information is held is not outweighed by maintaining the exemption(s).

Although I consider that public awareness would favour a disclosure as it would contribute to the public debate surrounding the application of these measures, we must ensure that the integrity of the investigative techniques used is not in any way undermined.

In conclusion, it simply cannot be in the public interest for Police Scotland or any police force to confirm whether activity of this nature is taking place.

To do so would be of significant intelligence value to criminals who could determine from the data whether or not their activities at a particular time were subject to these measures by Police Scotland.

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 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](https://www.foi.scot/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.