| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2799  Responded to: 03 April 2024 |
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Your recent request for information is replicated below, together with our response.

## I understand the classification of emails and the reasons behind classifications. Communication between myself and the Cybercrime unit is merely arranging a date to examine productions, it is not sensitive information but must be classified as ‘Official’. What advice has Police Scotland, Cybercrime Unit received regarding the reclassification of email to Defence Experts, from no classification to ‘Official: Sensitive: Police and Partners’, when arranging a date to examine a production? If there has been a police change – when was the change?

In terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland.  By way of explanation, Police Scotland utilise the Government Protective Marking Scheme (GPMS), but no advice has been issued specifically regarding communication with defence expert witnesses.  Furthermore, there has been no change of policy specific to your question.

## Email marked ‘Official: Sensitive: Police and Partners’- is a classification which restricts the circulation of documents to Police Scotland’s and SPA’s approved partners and suppliers with a need to know. I am not a Police Partner or supplier. Has there been a policy change to classify Defence Experts as Police Partners?

In terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland. As detailed in the reply to question 1, Police Scotland use the Government Protective Marking Scheme (GPMS) for Officers to assess the protective markings on their documents, but there has been no change in policy to reclassify the category in which Defence Experts fall into.

## The name of an accused person is in the public domain and therefore, is not classified as sensitive information. What advice have the Cybercrime unit received which reclassifies data that is in the public domain to ‘sensitive’.

In terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland.  Again, to explain no advice has been provided in respect of the issue you raise.

## How many emails have been sent or received between Cybercrime coordinators that mention Defence access.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, having checked the size of mailboxes of each cybercrime co-ordinator I can advise that there are many thousands of emails that would require manual assessment to determine if they mention “defence access”. This is an exercise that would greatly exceed time cost threshold set out within the Act.

## How many emails have been sent or received between Cybercrime coordinators, that mention me by name?.

## I would like to see all emails between Cybercrime Coordinators, that mention me by name, for the period January 2020 to the date of this email.

In response to questions 5 and 6, I can advise that your request is technically a Subject Access Request(SAR)and it will therefore be considered in terms of the Data Protection Act 2018/ GDPR as explained on our [website](http://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests).

Our Data Protection team will contact you separately in relation to your SAR.

As such, in terms of section 18 of the Act, I am therefore refusing to confirm or deny whether Police Scotland holds information about you, regarding whether or not you are mentioned personally within emails.

The public interest overwhelmingly lies in protecting your right to privacy and an individual’s own personal information is exempt from disclosure in terms of the exemption at section 38(1)(a).

## Has Police Scotland declared any breaches of the data protection Act for the period 1st January 2020 to the date of this email.

The number of data breaches reported by Police Scotland from 01 January 2020 until 02 November 2023 is 4.

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.