| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1757  Responded to: 25th July 2023 |
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Your recent request for information is replicated below, together with our response.

## You recently provided me with a document entitled 'DATA PROTECTION Standard Operating Procedure':

## The document is dated 2013 so the procedure may not currently operate, but something similar may.

## My request concerns this part:

## '3.3.6 ...If a search of police systems is justified for matters relating to off duty or personal issues unconnected with a police officers’ (sic) or member of staffs’ (sic) normal duties, then authority must be obtained from a supervisor in advance. A record countersigned by a supervisor justifying the use of the specific police system must be made. A countersigned notebook entry or e-mail would be appropriate.'

## In the calendar year 2022, please provide the number of times police officers and members of staff obtained authority from supervisors in advance for searches of police systems relating to off duty or personal issues unconnected with their normal duties.

## For the same year, please provide the number of times authority was refused.

## The updated version of the document which you also kindly provided includes the following:

## 'If during the course of carrying out their role, an officer or member of staff discovers that they have accessed the record of an individual known to them through their personal life, they must:

## • immediately log out of the record relating to that person • bring it to the attention of their supervisor, and • provide them with evidence in support of why the record was accessed.'

## 3. In the calendar year 2022, please provide the number of times officers or members of staff discovered that they accessed the records of individuals known to them through their personal life.

Having considered your request in terms of the above Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, there is no central recording system as outlined in the Standard Operating Procedure (SOP). Any such instance would be recorded in notebooks etc. and as such, we would have to individually examine almost 4,000 notebooks for all officers of management ranks Sergeant and above.

This is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

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.