| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-1995Responded to: 10 September 2024 |
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Your recent request for information is replicated below, together with our response.

## I wish to make a FOI request for all information regarding general public and business owner complaints and reports or antisocial, environmental and other reported issues that are related to the traveling community residing in Drumbrae Park, Edinburgh. Inclusive of times, dates, and summary of the complaint. Also further, what action has been made during said complaints and reports.

## I wish to apply for all the above not just pertinent to this year 2024, but in previous years as far back as records begin for this matter.

To answer your request, I have interpreted ‘reported issues and complaints’ as incidents. It is important to note that an incident is created when a member of the public contacts police Scotland however not every incident become a crime.

Regarding your request for records as far back as records begin, I am unable to provide you with data for any year before 2015 as 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, Police Scotland was only formed in 2013. Prior to this each legacy force had their own recording systems. When Police Scotland was formed each legacy force recording systems were combined to create our centralised recording systems, however each force was added at different times. The only way to collate data prior to 2015 would be to manually find and search all held records to determine relevance.

We do not have a search marker for incidents relating to members of the travelling community specifically.

However, to be of assistance, I have carried out a search of our STORM incident recording system for all incidents in Dumbrae Park, Edinburgh, for the period 1st January 2015 to 31st August 2024 (Calendar Year).

This initially resulted in 99 incidents of potential relevance, but on further review, only 2 include references to the travelling community.

I am however refusing to provide details of times, dates, summaries and further actions as it is exempt information in terms of section 16(1) of the Act on the basis that the exemption set out at section 38(1)(b) of the Act applies - 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 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, I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is considered that disclosure of the information sought would be unlawful.

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.