| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-3237  Responded to: 10 April 2025 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## Please provide me with any internal or external correspondence, including any attachments, memos, minutes, agendas, appendixes or other correspondence, relating to the Chief Officer being driven to the SPA meeting on 28 November.

## Please include any information and correspondence relating to the XXXX XXXX driving through a restricted bus lane near Nelson Mandela Place in Glasgow city centre.

In response to your request, please see the attached documents titled FOI 24-3237 Applicant data.

Please note that some information with the documents has been redacted.

That information is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

Section 30(c) Prejudice to the effective conduct of public affairs.

Section 38(1)(b) Personal data.

Section 35(1)(a)&(b) - Law Enforcement Section.

Section 39(1) - Health and Safety Disclosure.

**Section 30(c) Prejudice to the effective conduct of public affairs.**

Information is exempt information if its disclosure under the Act would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

In this instance the telephone number and e-mail address details of staff and other agencies cannot be disclosed. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of the service/ other agency.

The phone numbers and email addresses are used for operational purposes and this information has been removed in order to ensure that internal processes are protected.

This is a non-absolute exemption which requires the application of the public interest test.

**Public Interest Test**

Disclosure of this information would be likely to adversely affect the processes that have been put in place to provide an appropriate level of service to the public.

There are already various ways in which the public can contact Police Scotland, and to that end the public interest has been met, and the disclosure of these additional details would not support the effective conduct of public affairs

**Section 35(1)(a)&(b) - Law Enforcement**

**Section 39(1) - Health and Safety**

Disclosure would reveal the Vehicle Registration Mark, make and model of said vehicle (visible from images included). Disclosure would therefore prejudice our ability to prevent the commission of criminal act against the Chief Constable, thereby increasing the risk to her physical safety. Whilst we accept there is a public interest in better informing the public as to Police Scotland expenditure on this subject, that does not extend to the level of detail sought where disclosure has the potential to place an individual at risk of harm.

**Public Interest Test**

I recognise that public awareness would favour a disclosure as it would contribute to the public debate surrounding the overall nature of vehicle resources available for deployment by the Police.

I would, however, contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement, or which is likely to have an adverse impact upon individual or public safety.

**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 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.

Personal data exemption is absolute and does not require the application of the public interest test.

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.