| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1055  Responded to: 24 May 2024 |
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Your recent request for information is replicated below, together with our response.

## This request relates to the legacy Police Forces prior to the formation of Police Scotland on the 1st of April 2013 and ongoing records management in their respect.

## As I understand prior to the formation of Police Scotland policing comprised of the following:

## Strathclyde Police

## Lothian and Borders Police

## Dumfries and Galloway Constabulary

## Central Scotland Police

## Fife Constabulary

## Tayside Police

## Northern Constabulary

## Grampian Police

## Can you advise on what policies exist in respect of Data Retention and Management of legacy records transferred to Police Scotland.

When Police Scotland was formed in 2013 it inherited all of the records held by predecessor forces at the time. These records then became subject to the Police Scotland Records Retention SOP which was in effect an adoption of the last version of the ACPOS Recommended Records Retention Schedule. Any records passed to Police Scotland by predecessor forces in effect became Police Scotland records and subject to Police Scotland’s retention policy.

## Particularly in respect of documents and data both paper and electronic into historical investigations into members of the public and criminality by legacy police forces.

## CLARIFICATION

## How and what archives are maintained by Police Scotland of documents which prior to the formation of Police Scotland would have been held by the legacy police forces.

## Can you clarify are you asking what kind of archives he use at Police Scotland and how they are maintained?

## I am trying to understand how archives and records which were previously stores and maintained by the legacy police forces were transferred to Police Scotland and what changes have happened in terms of storage, retention and disposal/transfer and the way in which this process is managed.

Archive records of legacy police forces are generally deposited with the relevant local authority archive service for each area. This information is publicly available in the form of indexes / catalogues on each local authority website. A notable exception is the archive of Tayside Police which is still held by Police Scotland pending cataloguing and deposit with the relevant local authority. Further non-historic records of legacy forces are held by Police Scotland in off-site and on-site storage due to ongoing responsibility for these records held by Police Scotland.

## Do you have a policy or documentation on the disposal/release of such records and over what time periods this happens.

## CLARIFICATION

## Is this what policy we use at present?

## Yes, what is current policy on disposal and release of records inherited by Police Scotland from the various legacy forces and their release, retention and management.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

To be of assistance, All records of predecessor forces still held by Police Scotland are subject to the current version of the Police Scotland Records Retention SOP. I have provided a link below.

[Record Retention SOP](https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.docx)

## I am trying to build up an understanding of how older paper and records on various legacy data types are managed, released or disposed of.

## Also is there a policy on photographs taken by the legacy police forces on their management, when I refer to photographs as I understand it large numbers of photographs were taken by various departments within the legacy police forces and stored in different archiving or systems such as:

## Custody Photographs

## Incidents such as crime scenes and road traffic accidents

## Post mortem photographs

## Intelligence photographs

In terms of section 17 of the Act, the information sought is not held by Police Scotland.

By way of explanation, there is no distinct policy on management or retention of photographs in general as this is a medium and not a record type. Photographs would have been, and continue to be, managed in line with the systems and retention periods that relate to the policing functions and activities that the photographs provide a record of.

## If possible could you provide details of the number of photographs and images held by Police Scotland as a result of being inherited from the legacy police forces and how these are categorised and managed and how many such images exist and in what categories and if there are any disposal/release policies or archiving and management of such.

## What date range are photographs retained and on what basis is retention or disposal based?

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, this information cannot be electronically extracted from our systems. To provide the requested information we would have to physically count these and this would take well in excess of the 40 hours and £600 prescribed by the Scottish Ministers under the Act.

Please note, Police Scotland retention policy applies to all photographs held according to record type.

## Please could you provide copies of any policies or documents on the records management related to the way in which you manage records from the legacy police forces and within Police Scotland.

Please see link above which is our current Records Retention SOP.

## How and what archives are maintained by Police Scotland of documents which prior to the formation of Police Scotland would have been held by the legacy police forces.

## Can you clarify are you asking what kind of archives he use at Police Scotland and how they are maintained?

## Do you have a policy or documentation on the disposal/release of such records and over what time periods this happens.

## Is this what policy we use at present?

All records of predecessor forces still held by Police Scotland are subject to the current version of the Police Scotland Records Retention SOP, available on public website. This details destruction time periods or where records should be transferred to an archive partner.

## Does Police Scotland have a specific area which manages legacy paperwork, documents and data and if so what is this known as?

All legacy paperwork, documents and data still held by Police Scotland are held in a variety of systems covering every function and activity of Police Scotland, often in-line with data created post Police Scotland formation.

## Has Police Scotland outsourced any of this material or records management to any commercial entities or other government departments, if so please could you advise the name of and services provided by such commercial organisations and what arrangements exist to maintain the security and integrity of such records and data/documents?

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

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.

*If* the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.

Whilst we accept that the effective and responsible use of resources is a matter of public interest, the overwhelming public interest lies in ensuring that the effectiveness of any measures utilised by Police Scotland to prevent and detect crime and keep people safe are not prejudiced.

Confirmation as to whether or not information was held would involuntarily disclose specific information which would potentially lead to information stores being identified - thereby compromising their security entirely.

Section 2(1) & (2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

The exemptions that would apply if the information sought was held are as follows:

## Section 35(1)(a)&(b) - Law enforcement

Information is exempt information if its disclosure under this Act would or would be likely to prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

## Section 39(1) - Health, safety and the environment

Disclosure would increase the risk to the personal safety of police officers and members of the public as a result of covert vehicles being identified.

## Public Interest

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).

I can confirm that I have considered the public interest with regards disclosure of the information requested if it were held, and I am of the view that whilst accountability for public funds and better informing the public debate on this issue may favour disclosure, ensuring the integrity of the law enforcement and public safety is paramount.

In this case, and irrespective of what information is or isn’t held, to merely confirm or deny that information is held would provide information which would directly or inadvertently assist those intent on causing harm.

**No inference should be taken from this response as to whether 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](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.