| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2720  Responded to: 19 November 2024 |
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Your recent request for information is replicated below, together with our response.

**Please could you provide me the following:**

**1.Copies of any Transfer Risk Assessments (TRA) that have been conducted in relation to DESC, by any of the DESC partners;**

Please see separately attached two Transfer Risk Assessments.

**2.Confirmation on whether an International Data Transfer Agreement is in place for DESC**

Yes, an Axon Intra-group data transfer agreement (“IGDTA”) has been executed.

**3.Copies of any International Data Transfer Agreement is in place for DESC;**

The information sought 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 33(1)(b) - Commercial Interests**

Information is exempt under section 33(1)(b) if its disclosure would, or would be likely to, prejudice substantially the commercial interests of any person. In terms of the legislation a Person includes a public authority, company and partnership.

Commercial interest is not defined in the Act, however, a person’s or organisation’s commercial interests will usually relate to the commercial trading activity they undertake, commonly for the purpose of revenue generation and this activity will normally take place within a competitive environment.

In this instance disclosure of this document would be detrimental to the data owner(s) and as such is considered to be commercially sensitive.

This is a non-absolute exemption which requires the application of the Public Interest Test.

**Public Interest Test**

There are a number of arguments in support of disclosure for example, disclosure of the requested information would allow greater scrutiny of the way public funds are spent, it would increase accountability and transparency and it is in the public interest for Police Scotland to procure services competitively, to ensure best value for money.

Additionally, there are several arguments in support of withholding the information, for example it would be unfair to disclose commercially sensitive information which has the potential to damage Police Scotland’s relationship with partners.

Axon’s IGDTA is an internal to Axon document and considered Commercially Sensitive by Axon as an internal document covering data transfers generally between Axon UK and Axon US and, whilst relevant to DESC data transfers, is not specific to DESC.

As such, Police Scotland will not disclose any information that would impact their relationship with partners. The public interest would not be served if it were no longer possible to engage companies if they believed that conducting business with Police Scotland would result in their confidential information being released**.**

Accordingly, such information will not be disclosed whilst remaining relevant.

In relation to the non-Content data sub-processors, they have been certified for the UK Extension of the EU-US Data Privacy Framework (“DPF”) so an IDTA is not required in that instance.

**4.Confirmation on whether Axon is still in possession of the encryption keys**

Yes, Axon holds data encryption keys. The data is protected by defined technical, organisational, and procedural controls.

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.