



## Freedom of Information Response

Our reference: FOI 24-0696

Responded to: 3 April 2024

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

### **1. How much money has Police Scotland paid out to Gary Ridley in total, and breakdown of what the money was for?**

I can advise that Police Scotland does not hold the above requested information.

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, Police Scotland has no record of any payments made to Gary Ridley as a supplier or via a direct payment through our cash and banking services.

### **2. How many staff paid by Police Scotland are residents in England out of the total of staff, and how many pay tax to HMRC based on English tax Brackets. Could you disclose what roles they have, i.e chief constable?**

Police Scotland have 26 employees who are resident in England and pay Tax to HMRC based on English Tax brackets.

In relation to the roles of the 26 individuals, 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:

- states that it holds the information,
- states that it is claiming an exemption,
- specifies the exemption in question and
- states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information you have requested and the exemption that I consider to be applicable is as follows:

## **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 set out at 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.'*

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s). On that basis, it is my view that disclosure of the information sought would be unlawful.

This is an absolute exemption 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](#) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

## OFFICIAL

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](#), 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](#) 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.