| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2415  Responded to: 11 October 2023 |
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Your recent request for information is replicated below, together with our response.

1. **The number of officers based at Castlemilk Police Station since January 2018 who have been suspended from their duties. Please include the reasons for the suspension, the length of the suspension, the gender of the officer, the race of the officer, and the outcome of the suspension.**
2. **The number of officers based at Cathcart Police Station since January 2018 who have been suspended from their duties. Please include the reasons for the suspension, the length of the suspension, the gender of the officer, the race of the officer, and the outcome of the suspension.**
3. **The number of officers based at Pollokshaws Police Station since January 2018 who have been suspended from their duties. Please include the reasons for the suspension, the length of the suspension, the gender of the officer, the race of the officer, and the outcome of the suspension.**

It is our assessment that the pool of individuals to whom the data sought could relate is sufficiently small that there exists the potential for individuals to be easily identified.

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

The public interest overwhelmingly lies in protecting our officers’ right to privacy and honouring their expectation of confidentiality.

Third party personal data - where it is assessed that disclosure would contravene the data protection principles as defined in the Act - is exempt from disclosure in terms of section 38(1)(b) of the Act.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as follows:

*‘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, 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 believe that disclosure is necessary for that purpose and furthermore, I am of the view that any interest you may have is overridden by the interests or fundamental rights and freedoms of the data subject.

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

You may be interested in our [Suspension from Duty SOP](https://www.scotland.police.uk/spa-media/3mbmetbo/suspension-from-duty-sop.pdf).

You may also be interested in force wide data regarding officer suspensions, which can be found in a recent FOI response online:

[23-1587 - Professional Standards Department - Officer Suspensions - 2019 To Date - Police Scotland](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2023/july/23-1587-professional-standards-department-officer-suspensions-2019-to-date/)

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.