| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1992  Responded to: 18 September 2023 |
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Your recent request for information is replicated below, together with our response.

## I would be grateful if you would provide me with the following information:

## Please provide details of the organisational structure of the Police Scotland National Child Abuse Investigation Unit.

## Please clearly identify the hierarchical structure of supervision and management for each section and/or department. Please include geographical areas covered by each section and/or department.

## Please provide names, ranks, shoulder numbers and positional titles for each of the members of staff heading up each section and/or department.

With respect to the questions above, I can advise that the NCAIU is overseen by Detective Superintendent, Carron McKeller, shoulder number A9850.

The unit is divided into two teams, the Enquiry team, and the Online Child Sexual Abuse team (OCSAE). These two teams are divided over 3 areas, North, East, and West.

For all other requested information, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with all the information requested. 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.

In this case the relevant exemptions are Section 35(1)(a) and (b) Law Enforcement, Section 39(1) Health, Safety and the Environment and Section 38(1)(b) Personal Data.

**35 (1)(a) and (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.

To publicly disclose identifying information regarding police officers could impact on the process of officers’ ability to full investigate offences, by enabling those with criminal intent to directly target officers to cause harm and avoid justice.

Additionally, if information was released identifying the complete hierarchical structure this could be used to calculate how and when resources are allocated within the specialist areas of policing. Those with criminal intent would then be able to more accurately estimate the resources allocated to protect the public and investigate offences. This knowledge could then be used by those same individuals to avoid detection and perpetrate further offences.

One of the main purposes of the Police Service is to prevent crime but to release this information would be contrary to that purpose.

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

**Section 39(1) Health, Safety and the Environment.**

To provide the name, rank, shoulder number and positional titles of officers has the potential to allow those with criminal intent to easily identify officers, to target and complete attacks on operational police officers and therefore potentially members of the public. As such, disclosure of the requested information has the potential to present a risk to an individual’s personal safety.

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

**Public Interest Test**

I would suggest that public accountability may favour disclosure, given that the information concerns the efficient and effective use of resources by the Service. Likewise, disclosure of the information would also inform the public debate on the issue of policing and contribute to the accuracy of that debate.

However, any disclosure under FOI legislation is a disclosure to the world at large and any information identifying the focus of policing activity could be used to the advantage of criminals.

Consequently, in terms of the applicability of the exemptions listed above, the need to ensure the effective conduct of the service in relation to prevention and detection of crime and the public safety considerations involved in the delivery of operational policing clearly favour non-disclosure of the information requested.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals.

## 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, 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 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.

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

## Please provide contact email addresses for each person in Item 2. If names are not provided for security reasons, then please provide positional email addresses instead.

All non-emergency contact can be made via the contact us option on the Police Scotland website. To be of assistance I have provided the link below.

[Contact Police Scotland - Police Scotland](https://www.scotland.police.uk/contact-us/)

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.