| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1980  Responded to: xx August 2023 |
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Your recent request for information is replicated below, together with our response.

## In regards to FOI-23-1601. Due to the length of time that has now elapsed since the initial request made on 18 June, I would very much like the following to be considered as a separate request under the terms of FOISA.

## I wish to be provided with any and all held information relating to the handling/ processing of that initial FOI request and its review. This would include, but not be limited to, written correspondence both within the department concerned and the internal stakeholders it consulted with.

Having considered your request in terms of the above Act, I would first of all advise you that the Freedom of Information (Scotland) Act 2002 gives a right to information, not to documents.

The content of the emails has been replicated word-for-word but please note I have not replicated the introductory and closing details which are not relevant to the information requested (e.g. ‘Hi’, ‘Hello’, ‘Regards’ etc.) nor have I included direct contact details and email ‘signatures’. Any spelling/ grammatical errors are the author’s own, as is any emphasis.

In addition I have included a snapshot of the Sharepoint database notes relating to your request.

Please see the attached document ‘23-1980 Information’.

I can confirm that no information has been withheld with the exception of the names of six individuals and their direct contact details.

These individuals, as opposed to the others named, do not occupy a senior or public facing role and, as such, I consider that whilst you may have a legitimate interest in the disclosure of the personal data (the individual’s names), disclosure would be unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the data subject (Condition 6 of Schedule 2 of the Data Protection Act 1998).

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the information sought and the exemption that I consider to be applicable to the information requested by you is set out at Section 38(1)(b) of the Act - Personal Data.

It is incumbent upon the Chief Constable to process data held by him in accordance with the principles set forth in the Data Protection Act 1998. The release of this information to a third party would breach the requirement that exists to process personal data fairly, in contravention of the first data protection principle in Schedule 1 in that legislation.

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).

To explain, correspondence held has Police Officers names recorded and release of this personal information, either directly or inadvertently is exempt under the Freedom of Information (Scotland) Act 2002. 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](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.