| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0029  Responded to: xx January 2023 |
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Your recent request for information is replicated below, together with our response.

## As of 01.01.23 how many of your force's officers (not specials) were suspended on full pay? Please provide me with a breakdown showing the number of officers suspended in each rank of your force as of 01.01.23.

I would advise you first of all that all police officers subject to suspension are provided with full pay during the period of suspension.

A breakdown of police officers suspended, by rank, as at 1 January 2023 is provided below.

| **Rank** | **Number of Officers** |
| --- | --- |
| Constable | 47 |
| Sergeant or above | 5 |
| Total | 52 |

I have provided as much detail as possible but overall I have decided that inclusion of the rank of some officers would render the data personal data.

Were that included, the pool of individuals to whom the data requested could relate - police constables of each rank - is considered sufficiently low that there exists the potential for individuals to be easily identified - particularly when combined with the data at question two below.

In terms of section 16 of the Act, I am refusing to provide you with this information and I am therefore required to confirm to you that the information sought is held by Police Scotland.

The exemption I consider to be applicable is section 38(1)(b) of the Act - personal information.

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 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 agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

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

## Please also provide me with a list showing the date (month/year) that each officer suspended as of 01.01.23 was first suspended from duty on full pay.

A breakdown of the 52 police officers suspended, by the month and year when the suspension began, is provided below.

| **Year Suspended** | **Month Suspended** | **Number of Officers** |
| --- | --- | --- |
| 2019 | May | 1 |
| 2020 | July | 1 |
| 2020 | September | 2 |
| 2020 | October | 1 |
| 2020 | November | 2 |
| 2021 | March | 2 |
| 2021 | May | 1 |
| 2021 | June | 1 |
| 2021 | July | 1 |
| 2021 | December | 1 |
| 2022 | January | 3 |
| 2022 | February | 3 |
| 2022 | March | 2 |
| 2022 | April | 3 |
| 2022 | May | 2 |
| 2022 | June | 5 |
| 2022 | July | 4 |
| 2022 | August | 4 |
| 2022 | October | 7 |
| 2022 | November | 2 |
| 2022 | December | 4 |
|  | Total | 52 |

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.