| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2811  Responded to: 29 November 2023 |
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Your recent request for information is replicated below, together with our response.

## I look for your assistance relating to the following 3 police training/operational procedures. I request any copies of:

## Memorandums, training information/aids/procedures ,flowcharts etc .for police using

## 1.SID, and in particular information and memos regarding police training relating to operational powers/ procedures of SID, procedures re assessment/grading of intelligence and sanitising sid logs.

## 2. Also similar information on training re how an officer would formulate a briefing for fellow officers relating to intelligence led operations and also any information relating to

## 3. Police powers and procedures and training information/memos/ flowcharts etc

## re craving, PF and Sheriffs search warrants.

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information requested.

This information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

In response to the provision of specific training materials, the following exemption is applicable:

## Section 33(1) (b) Commercial Interests and the Economy

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including without prejudice to that generality, a Scottish public authority).

The training manual is part of a credit rated programme and is provided to other third parties under payment of a licence fee. Disclosure of the document either in part or in its entirety outwith this process would prejudice the commercial interests of Police Scotland.

This is a non-absolute exemption which requires the application of the Public Interest Test.

## Public Interest Test

It may be felt that Police Scotland should disclose the information requested, in terms of accountability. However, the grounds for disclosure in this case are outweighed, as disclosure may prejudice the commercial interests of Police Scotland as payment would no longer be gained from the documentation if we were to freely release the document under the Act.

On balance the public interest on this occasion favours the retention of this data.

With regards to all other relevant material held, the exemptions considered to be applicable are as follows:

## Section 35 (1) (a) & (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.

Disclosure of the requested information would impact on the ability of the Service to prevent and detect crime and 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.

## 39 (1) – Health, safety and the environment

The disclosure of the information requested may have the potential to increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

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 guidance that Police Scotland follows in relation to direct measures. 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 or tactics used 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 and prejudice the prevention or detection of crime.

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.