| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-2029Responded to: 24th August 2023 |
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Your recent request for information is replicated below, together with our response.

## Can you please advise who the person, named only as Colin, in your current romance fraud campaign is?

## Can you provide us with the person's full name?

## For reference, I am referring to the person pictured in this post: [https://twitter.com/PSOSGlasgowCity/status/1689202397489311744/photo/1](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FPSOSGlasgowCity%2Fstatus%2F1689202397489311744%2Fphoto%2F1&data=05%7C01%7Cfoi%40scotland.police.uk%7Cf9517aa817514f83748508db98d9f3de%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638271834092589433%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=yw7A8Q3oWKUSjQFNKvsF5WfMNnq5MKv77ChSaPKZoEM%3D&reserved=0)

In terms of section 16 of the Act, I am refusing to provide you with the above requested information.

Section 16 requires Police Scotland to:

(a) state that it holds the information,
(b) state that it is claiming an exemption,
(c) specify the exemption in question and
(d) state, if that would not be otherwise apparent, why the exemption applies.

I can confirm that the information requested is held by Police Scotland and the exemption that I consider to be applicable is set out at 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.

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 subject.

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

## Can you please advise where the picture came from?

The picture was taken by a photographer hired to take photographs for the Police Scotland Romance Fraud campaign.

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 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 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.