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Freedom of Information Response

Our reference: FOI 24-0705

Responded to: 10 April 2024

Your recent request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding to your request.

We have received an unprecedented volume of requests lately and that has, unfortunately, impacted on our ability to meet the statutory timescales in some cases.

Please provide a copy of the Police Scotland review of its recording policy, as noted in this document. This should include the final report and any draft copies.

https://www.parliament.scot/-/media/files/committees/citizen-participation-and-public-petitions-committee/correspondence/2022/pe1876/pe1876_dd.pdf

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I must advise that at this time, I am refusing to provide you with the information sought.

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.

I can confirm that Police Scotland holds the information you have requested and the exemption(s) that I consider to be applicable is set out at:

Section 30(b) Prejudice to Effective Conduct of Public Affairs

The exemptions in section 30(b) focus on the effect that disclosure of information would have (or would be likely to have) on the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.

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To advise, the report and recommendations have still to be considered and ratified by Police Scotland.

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

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness.

On balance, Police Scotland consider that the release of the requested information, would significantly limit and de-value the review process as set by Police Scotland. The review process provides Police Scotland with the opportunity to illustrate thinking, deliberation, viewpoints and opinions in a transparent and open manner without the fear that these workings will be released prior to the full consideration and ratification of the report and recommendations.

Release of this information would inhibit and undermine the aims and outcomes of the review process, constricting the future information provided, therefore undermining this valuable contribution it makes to the quality of the final report and recommendations.

There can be no public interest in disclosing information which would make it more difficult to offer an efficient and effective service.

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, Dalarnock, 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](#), 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](#) in seven days' time.

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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.

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