



LETTER SENT BY E-MAIL ONLY

12 November 2024

2024/25-076

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 24 October 2024, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

“I am writing to you under the Freedom of Information Act 2000 to ask for information related to the Digital Evidence Sharing Capability (DESC) system, following on from the ICO sending guidance to the DESC partners about their use of hyperscale public cloud services.

Please could you provide me the following:

1. Copies of any Transfer Risk Assessments (TRA) that have been conducted in relation to DESC, by any of the DESC partners;
2. Confirmation on whether an International Data Transfer Agreement is in place for DESC;
3. Copies of any International Data Transfer Agreement is in place for DESC;
4. Confirmation on whether Axon is still in possession of the encryption keys”

Response

The Scottish Police Authority has considered your request and is able to provide the following information:

You asked for “Copies of any Transfer Risk Assessments (TRA) that have been conducted in relation to DESC, by any of the DESC partners”.

The Authority does not hold a copy of Transfer Risk Assessments by any of the DESC parties.¹

You asked for “Confirmation on whether an International Data Transfer Agreement is in place for DESC” and “Copies of any International Data Transfer Agreement is in place for DESC”.

The Authority does not hold an International Data Transfer Agreement for DESC.²

You asked for “Confirmation on whether Axon is still in possession of the encryption keys”.

The Authority can confirm that Axon manages the encryption keys for DESC.

By way of explanation, as the Authority will not have a tenant in DESC there has been no requirement for us to conduct a Transfer Risk Assessment or be party to an International Data Transfer Agreement.

In terms of our duty to assist, Police Scotland and the Crown Office and Procurator Fiscals Service may hold information. Requests can be submitted to Police Scotland at foi@scotland.police.uk and to the Crown Office and Procurator Fiscals Service at FOI@copfs.gov.uk

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@foi.scot or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

¹ This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

² This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

SPA Corporate Management

