

25 September 2022

2022-072

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REQUEST DETAILS

Please find below our response to your correspondence dated 28 September, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

Can you send me the spiking report mentioned on p.12 please?

<https://www.spa.police.uk/spa-media/n5tlqh1y/rep-b-20220920-item-4-committee-and-oversight-reports-v0-1.pdf>

RESPONSE

Your request for information has been considered and the Scottish Police Authority (SPA) is able to provide the following:

The Drug Spiking Casework Update was written by SPA Forensic Services in consultation with Police Scotland, who provided much of the information. If released, this information would likely prejudice substantially the prevention and detection of crime or would be useful for those intent on wrongdoing, which in turn would have an adverse impact on the personal safety of individuals.

The information requested is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002. The exemptions considered to be applicable are as follows:

Section 34(1)(a) – Investigations

Information is exempt, if at any time, it has been held for the purposes of an investigation which the authority has a duty to conduct in order to ascertain whether a person should be prosecuted for an offence or whether a person prosecuted for an offence is guilty.

Section 35(1)(a)(b) – Law Enforcement

Information is exempt, if its disclosure would, or would be likely to, prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders.

The casework update would provide an insight into ongoing investigations, investigative strategy, and would be useful for those intent on wrongdoing which in turn would have an adverse impact on the personal safety of individuals.

Release of the information would adversely impact the prevention and detection of crime. Being aware of details would allow persons to make a reasonable assessment of likely future detection or prosecution. This in turn would allow those individuals to make an assessment of the capacity of the criminal justice sector to deal with incidents of this nature.

The exemptions considered applicable are non-absolute exemptions and require the application of the Public Interest Test.

Public Interest Test

The public interest factors in favour of disclosure is that:

- There is a public interest in the public having awareness of the issue of spiking.

The public interest factors in favour of maintaining the exemptions being:

- The efficient and effective conduct of casework and the investigative process favours maintaining the exemption as it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.
- The subject matter should not just be of interest to the public, but something which is of serious concern and benefit to the public. It can never be in the public interest to compromise law enforcement which, in turn, may compromise public safety.

At this time the public interest lies in protecting the integrity of investigative and criminal justice procedures. It is essential that investigations and the potential for proceedings to be brought are not put at risk. Therefore, on balance, our conclusion is that maintaining the exemption outweighs that of disclosure.

RIGHT TO REVIEW

If you are dissatisfied with the way in which your request has been dealt with you are entitled, in the first instance, to request a review of our actions and decisions

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@spa.police.uk or by post to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Scottish Police Authority Freedom of Information [Disclosure Log](#) in seven days' time.