

7 April 2022

2022_026

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REQUEST DETAILS

Please find below our response to your correspondence dated 31 March 2022 in which you made the following request under the Freedom of Information (Scotland) Act 2002:

Can you please send me your policy of procedure (as Scot Gov first line regulator of Police Scotland) when Police Scotland refuse to process a complaint against them, how does PCA as a regulator enforce PS to process a complaint from a member of the public.

A PS data complaint failure would go to the ICO the U.K. Data Regulator via their website submission.

A PS FOI complaint failure would go to the Scottish Parliamentary Body Scottish Information Commissioner Office the Scottish FOI Regulator.

As a Scot Gov funded 'regulator' I can see no information on your website how you handle PS non-compliance of their own complaints procedure.

Therefor I request a copy of your PCA policy, staff training and internal procedure/s on PS refusal to follow their own complaints procedure from a non-public funded employee member of the public.

RESPONSE

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

In regards to your request;

- (i) *Can you please send me your policy of procedure (as Scot Gov first line regulator of Police Scotland) when Police Scotland refuse to process a complaint against them, how does PCA as a regulator enforce PS to process a complaint from a member of the public.*

I can advise that the Authority is not a regulatory body. The role of the Authority can be found here on our website: <https://www.spa.police.uk/about-us/>. Further information can also be found on the Police and Fire Reform (Scotland) Act 2012¹.

The Scottish Police Authority provides governance and oversight of policing in Scotland and does not hold the information you have requested.

Therefore this represents a notice in terms of:

- Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

In relation to SPA's complaints procedure,

This represents a notice in terms of:

- Section 25 of the Freedom of Information (Scotland) Act 2002 – Accessible by some other means

Information about complaints and complaint handling can be found on the SPA website: <https://www.spa.police.uk/about-us/complaints/> and includes information on those complaints which the SPA can and cannot deal with.

To assist, a link to how Police Scotland deals with complaints is also provided - <https://www.scotland.police.uk/about-us/how-we-do-it/complaints/>

In regards your request:

- (ii) *For a copy of your PCA policy, staff training and internal procedure/s on PS refusal to follow their own complaints procedure from a non-public funded employee member of the public.*

The Scottish Police Authority provides governance and oversight of policing in Scotland and does not hold the information you have requested.

Therefore this represents a notice in terms of:

¹ <https://www.legislation.gov.uk/asp/2012/8/contents>

Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held

By way of assistance, further information may be available by contacting Police Scotland at –

<http://www.scotland.police.uk/access-to-information/freedom-of-information/>

You may also wish to refer to Police Scotland's Disclosure Log at –

<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/>

Finally, the contact details for the DPO are the following;

Data Protection Officer
Scottish Police Authority
SPADataProtectionOffier@spa.police.uk
1 Pacific Quay
Glasgow
G51 1DZ.

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.