



LETTER SENT BY E-MAIL ONLY

14 December 2023

2023/24-063R

Freedom of Information (Scotland) Act 2002

On 28 November you requested a review of the Authority's response to your request for information under the Freedom of Information (Scotland) Act 2002 (FOISA). I am writing to inform you of the outcome of that review.

Your request

On 23 July 2023 you made the following request to the Scottish Police Authority:

"Please send me a transcript of the questions asked by the final interview panel to and answers given by Jo Farrell."

On 11 August 2023, the Authority responded informing you that your request for the interview questions was exempt under section 30(c) of FOISA. This was because the Authority considered that disclosure of the information would, or would be likely to, cause substantial prejudice to the effective conduct of public affairs. The Authority also concluded that the public interest was better served by maintaining the exemption than disclosing the information.

In respect of your request for the interview answers, the Authority notified you that it did not hold this information, on the basis that interviews for the role of chief constable are not recorded or transcribed.

Your request for a review

In your request for a review, you said that you accepted that there would be some questions and/or answers that would not be made available for

operational, personal and security reasons. However, you doubted that this would extend to every question and/or answer.

Response

I was asked to review the Authority's response to your request, on the basis that I was not involved in the original decision-making process. Having considered all the relevant information, I have decided to uphold the Authority's original response. I have explained the reasons for my decision below.

The sensitivity of the interview questions arises from the fact that this was a confidential appointment process. Like many recruitment processes, candidates for this appointment have no prior knowledge of the questions that they are to be asked.

In my view, disclosure of the interview questions would, or would be likely to, cause substantial prejudice to the effective conduct of public affairs¹, specifically the appointment process for future chief constables. Disclosure would provide future candidates with a good indication of the kinds of questions they might be asked at interview, in circumstances where the assessment of competencies is based on candidates having no prior knowledge of these. For the same reasons, I have decided that the public interest in maintaining the exemption to disclosure outweighs that of disclosing the information.

You also requested the candidate's answers to the questions. This information is not held by the Authority and I have therefore also upheld this part of the original response.²

Right to Review

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

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.

An anonymised version of this response will be posted to our [Disclosure Log](#) in seven days' time.

¹ Section 30(c) of the Freedom of Information (Scotland) Act 2002 - Substantial prejudice to effective conduct of public affairs.

² Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

