



LETTER SENT BY E-MAIL ONLY

20 September 2023

2023/24-034

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 6 September, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

The SPA People Committee agenda stated:

- Following a further incident involving a charger plug malfunctioning, Police Scotland has informed the suppliers that it no longer has confidence in the devices. The suppliers have agreed to replace the VEO charger plugs with an alternative.
- CJSD recently reported a chemical leak linked to volatile chemicals that were being stored as productions. This resulted in a multi-agency incident. Following a Health and Safety investigation, a short life working group has been established with CBRN and CJSD to review the learning from this incident and consider any required policy changes.

<https://www.spa.police.uk/spa-media/0acaypob/item-5-1-q1-health-safety-report.pdf>

Please send me all reports and correspondence pertaining to these incidents, and also on the previous incidents related to charge plugs.

Response

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

Information pertaining to the request is captured within the papers to the Police Scotland Health & Safety Board, which is attended by Authority officials.

In respect of the incident involving a charger plug malfunctioning, the note of a meeting held on 12 May 2023 records an update provided from Digital ICT regarding a charger that had exploded. The relevant extract is provided:

- **Redacted - Section 38(1)(b)** provided an update regarding a charger that had exploded. Communications have been issued with clear instructions not to use any similar chargers until further notice; independent testing is underway and once results are known the Health and Safety team and this Board will be advised.

In respect of the reported chemical leak, an item on Storage of Chemicals was included in the Criminal Justice update paper to the 16 August 2023 meeting. The relevant extract is provided:

- Due to a recent incident involving the storage of hazardous chemicals which had been retained for an ongoing criminal case at the productions store at **Redacted - Section 35(1)(b)**, it was established that there was no clear end to end process or guidance for officers and staff in regards to the management of hazardous chemicals.
- The initial H&S issues relating to the incident have now been addressed however during this, concerns were raised in regards to the lack of guidance for all staff in regards to handling, storage and destruction.
- In order to address the concerns, a SLWG, led by **Redacted - Section 38(1)(b)**, OCCTU has been instigated to currently review the end to end process which impacts on both operational and productions personnel of which H&S colleagues are represented.

Whilst we aim to provide information wherever possible, some of the information requested is subject to the following exemptions:

Names noted in the extracts of minutes have been redacted as this is personal data of third parties. Therefore, this is a notice in terms of Section 38(1)(b) - Third party personal data. Disclosure of the data in question would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data

Protection Act 2018. As disclosure through Freedom of Information is disclosure to the public in general, in this instance, it is appropriate to withhold this information. The exemption under Section 38(1)(b) is an absolute exemption and does not require application of the public interest test.

The location of productions being stored has been redacted as this information is considered exempt under Section 35(1)(b) as release of this information would be likely to prejudice substantially the apprehension or prosecution of offenders. This is a non-absolute exemption and requires application of the public interest test.

Public Interest Test

The public interest factors in favour of disclosure are that:

- This would provide full transparency relating to the incident.

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

- The efficient and effective conduct of police operations favours maintaining the exemption as it cannot be in the public interest to release information that would prejudice law enforcement by providing insight into the location of productions in an ongoing criminal case.

The public interest lies in protecting the ability of police operations to be carried out safely and securely. Therefore, on balance, our conclusion is that maintaining the exemption outweighs that of disclosure.

In terms of previous incidents related to charge plugs, the Scottish Police Authority does not hold information. Therefore, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review. 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.

After 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.

