



LETTER SENT BY E-MAIL ONLY

9 February 2024

2023/24-080

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 10 January, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

Please provide me with any complaints received by the SPA in 2023 since July 2021. Please outline what the complaint was and which date it was received.

If possible, include the original complaints in your response. I am content for you to redact any potentially exempt information to ensure compliance with FOISA.

On 11 January, clarification was sought regarding the time period. This was confirmed as July 2023 up to the date of the request.

On 18 January, further clarification was sought in relation to your definition of complaints, and we referred to the definition in [SPA Complaint Handling procedures](#) i.e. members of the public. You confirmed you were seeking complaints from members of the public as well as those raised by Police Scotland officers and staff.

Response

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

The Authority is responsible for handling complaints as set out in the [Complaint Handling Procedures](#) available on our website.

Complaints from members of the public and internal complaints from Police Scotland officers/staff, received between July 2023 and 10 January 2024, are listed at [Appendix 1](#). This provides date received and subject. Please note 'subject' is only usually recorded in relation to '[relevant complaints](#)'. However, for the purpose of your request we have provided a subject description for all, as an outline of each complaint as per your request is not held.¹

The Authority considers the original complaints exempt in terms of the Act. The Authority received this information from third parties² in respect of its statutory duties. To disclose this information would be a breach of confidence.³ This exemption is absolute and does not require the application of the public interest test. Whilst you may have a legitimate interest in disclosure of this information, it is our view that those interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

Complaints are considered under the appropriate framework, all of which are publicly available. Review and appeal routes are available to complainers if they are dissatisfied with the outcome. Complaints performance regarding 'relevant complaints' is reported publicly to the [Complaints and Conduct Committee](#). The [SPA Quarterly Report Q2 23/24](#) presented at the meeting of 14 November 2023 covers part of the period in question, see pages 26-28.

Right to Review

If you are dissatisfied with the outcome, you can ask us to review our response. If you want us to carry out a review, please let us know within 40 working days. You must specify the reason for your dissatisfaction and submit your request 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@itspublicknowledge.info or by letter to Scottish

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

² This is a notice in terms of Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – Third party data. Disclosure would contravene the data protection principle in Article 5(1)(a) of the General Data Protection Regulation: personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

³ This is a notice in terms of Section 36(2) of FOISA – actionable breach of confidence.

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](#) after seven days.



Appendix 1 - Complaints from members of the public and internal complaints from Police Scotland officers/staff, received between July 2023 and 10 January 2024

Date	Subject
26/07/2023	SPA Forensic Services
27/07/2023	Not applicable – abandoned as individual failed to respond to request for information
30/07/2023	Employment related
02/10/2023	Employment related
30/10/2023	PS Senior Officer
01/11/2023	SPA governance meeting arrangements
21/11/2023	PS Senior Officer
26/12/2023	SPA Forensic Services
27/12/2023	PS Senior Officer
24/11/2023	PS Senior Officer
27/11/2023	PS Senior Officer
27/11/2023	PS Senior Officer
27/11/2023	PS Senior Officer
27/11/2023	PS Senior Officer
27/11/2023	PS Senior Officer
04/12/2023	PS Senior Officer
04/12/2023	PS Senior Officer
05/12/2023	Handling of original complaint