



LETTER SENT BY E-MAIL ONLY

6 February 2024

2023/24-082

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 11 January, in which you made a request under the Freedom of Information (Scotland) Act 2002. Your request has not been repeated here as it names specific individuals.

Response

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

The Authority considers that to reveal whether the information exists or is held would be contrary to the public interest.¹

Section 18 applies where the following two conditions are met:

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.
- It would be contrary to the public interest to reveal whether the information is held.

If information did exist, and was held, exemptions in section 38 and 30 would apply.

¹ This represents a notice in terms of Section 18 of the Freedom of Information (Scotland) Act 2002

Sections 38(1)(b) and 38(2A) of the Act apply as you have requested third party personal data which is exempt where assessed that disclosure would contravene the data protection principles as defined in the Act.

Section 30(c) applies where assessed that disclosure would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

Whilst you may have a particular interest in whether or not the information sought is held, the public interest overwhelmingly lies in protecting individuals' right to privacy and upholding their expectation of confidentiality.

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 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.