

22 March 2022

2022\_025

## FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

### REQUEST DETAILS

Please find below our response to your correspondence dated 22 March 2022 in which you made the following request under the Freedom of Information (Scotland) Act 2002:

- 1) *a copy of the Constabulary's policy or procedure for the verification of the legitimate possession and use of prescribed medical cannabis/cannabis-based prescription medicine (CBPM);*
- 2) *if the Constabulary does not have a local policy regarding this, could you please confirm that the Home Office guidance is adhered to by the Constabulary - namely that someone claiming the legitimate possession and use of medical cannabis will be expected to produce: the original medication container complete with the pharmacy dispensing label bearing the name of the patient; with either a copy of their FP10 prescription or a letter from the prescribing clinician; and a form of recognised photo ID (such as a passport, driving licence, or a PASS accredited photocard) bearing the same name as displayed on the dispensing label and the copy of the FP10 or clinician's letter;*
- 3) *if your Constabulary does not have a policy relating to this, could you please provide the Constabulary's policy regarding compliance with the PSED (Public Sector Equality Duty), especially with regards to the avoidance of discrimination against disabled people for the legitimate possession and use of a prescribed medication;*
- 4) *a copy of any internal briefing documents provided to police officers regarding the existence of - and the process for the verification of - prescribed medical cannabis flower or other CBPM's following the Home Office Circular 2018: 'Rescheduling of cannabis-based products for medicinal use in humans' and The Misuse of Drugs (Amendments) (Cannabis and Licence Fees) (England, Wales and Scotland) Regulations 2018 which allowed the prescribing of medical cannabis (CBPM);*

- 5) *the named lead for the Constabulary for matters pertaining to the verification of medical cannabis (CBPM);*
- 6) *the Constabulary's policy or position relating to the recognition of unaccredited card schemes such as Cancard or MedCannID, if such a policy exists.*

## RESPONSE

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

The Scottish Police Authority provides governance and oversight of policing in Scotland. The Authority does not hold information on operational policing matters.

Therefore, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 – Information not held.

By way of assistance, information may be available by contacting Police Scotland. Information on how to make an FOI request to Police Scotland is provided at – <http://www.scotland.police.uk/access-to-information/freedom-of-information/>

You can also access Policies, Standard Operating Procedures and Guidance documents on Police Scotland's website at – <https://www.scotland.police.uk/access-to-information/policies-and-procedures/>

## 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, and within 40 working days of receiving this response, to request a review of our actions and decisions. Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ- [FOI@spa.police.uk](mailto:FOI@spa.police.uk)

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal).

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.