

8 March 2022

2022_022

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REQUEST DETAILS

Please find below our response to your correspondence dated 1 March in which you made the following request under the Freedom of Information (Scotland) Act 2002:

- 1/ Why are certain peaceful rallies/marches/assemblies targeted by your officers?
- 2/ Why is there a higher police presence at certain gatherings and not others?
- 3/ Why are your officers targeting attendees of certain peaceful Freedom Rallies against the Coronavirus Bill and not, let's say, Scottish Independence rallies, immigration protests, football team celebratory gatherings (and subsequent wreckage of parts of Glasgow) and more recently, support for Ukraine gatherings?
- 4/ Who employs you? The government, Freemasons or the Scottish public?
- 5/ Does Commonlaw still exist in Scotland or just your manufactured for service-to-self Maritime Laws?

RESPONSE

Your request for information has been considered and the Scottish Police Authority (SPA) 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, in terms of points 1 to 3, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

By way of assistance, this information may be available by contacting Police Scotland at –

<http://www.scotland.police.uk/access-to-information/freedom-of-information/>

In terms of point 4, The Police and Fire Reform (Scotland) Act 2012¹ created the Scottish Police Authority and the Police Service of Scotland. The Scottish Police Authority is allocated funding by the Scottish Government. The Authority is the legal employer of police staff in Scotland, this includes SPA Corporate, SPA Forensics and police staff who fall under the direction and control of the Chief Constable.

The employment status of police officers is set out in the Police Negotiating Board - Police Officer Handbook², which states –

“Police officers are Crown servants who hold the office of constable. They are not employees in the normal sense. Some aspects of employment law apply to police officers but these have to be considered alongside the relevant police regulations, which have primacy. Most statutory employment rights do not apply to office holders such as police officers. While an employee’s rights and duties are defined by an employment contract, the rights and duties of an office holder are defined by the office held and exist independently of the person who fills it.”

As stated in The Police and Fire Reform (Scotland) Act 2012 – “It is for the chief constable to appoint constables (other than senior officers).”³

In terms of point 5, the Scottish Police Authority do not hold this information. 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 the Scottish Government whose Justice Directorate ensures the operation of Scotland's justice system, including criminal, civil and family law, and administrative justice – <https://www.gov.scot/about/contact-information/how-to-request-information/>

and / or the Scottish Parliament which examines what the Scottish Government is doing and makes new laws on devolved matters at – <https://www.parliament.scot/about/information-rights/requesting-information>

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, to request a review of our actions and decisions

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@spa.police.uk or by post to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

¹ <https://www.legislation.gov.uk/asp/2012/8/contents>

² <https://pnb.scot/handbook/introduction/>

³ <https://www.legislation.gov.uk/asp/2012/8/part/1/chapter/2/crossheading/constables-appointment-ranks-and-terms-of-office>

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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.