

Date: 16 February 2015

Your Ref:

Our Ref: CC/LB

Mr Vic Emery OBE
Chair
Scottish Police Authority
1 Pacific Quay
GLASGOW
G51 1DZ



Chief Constable
Sir Stephen House QPM

2 St Ninians Road
Randolphfield
Stirling
FK8 2HD

Telephone No: 01786 456002

E-mail: cc.office@scotland.pnn.police.uk



Further to my evidence to SPA Board on Friday 13 February, and in light of the subsequently reported difference of opinion expressed by the Scottish Information Commissioner, I am writing to provide the Authority with clarification and apologise for any additional concerns that may have been raised regarding the position taken by Police Scotland in relation to the release of the stop and search data to the BBC.

Following a refusal by Police Scotland to a request from the BBC for information from the Police Scotland Stop and Search database, because of concerns in relation to data accuracy, the applicant approached the Scottish Information Commissioner under Section 47 of FOISA.

This Section provides applicants with a right of appeal to the Commissioner if they are dissatisfied with the way in which their Freedom of Information request has been handled by the public authority.

The Commissioner must then make a decision in relation to an appeal by an applicant and issue a decision notice specifying if the public authority has failed to comply with its obligations under FOISA, other than in certain limited circumstances. However, Section 49(4) of the Act provides that the Commissioner may effect a settlement between the applicant and the public authority as an alternative to issuing a decision notice.

Following discussions with the Commissioner's Office, we accepted the applicant's proposed settlement, reflecting our desire to furnish the applicant with the information requested, to comply with FOI legislation. It also reduced the risk of an adverse decision notice being issued by the Commissioner on our handling of the request.

This decision was supported by an independent assessment of FOI procedures undertaken by an external firm of solicitors. Their advice concurred that Police Scotland was obliged to provide data that falls within the scope of a request, despite concerns about its accuracy or reliability.

I can only repeat my assurances that our decision to release the data to the applicant was on the basis of an assessment that, despite our concerns about its accuracy or reliability, there was a risk that we would have been the subject of an adverse decision notice if the appeal process continued.

I hope this additional information is of help to you and helps clarify any misunderstanding.

Yours sincerely



Sir Stephen House QPM
Chief Constable