



SCOTTISH POLICE  
AUTHORITY  
ÙGH DARRAS POILIS NA H-ALBA

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## LETTER SENT BY EMAIL ONLY

1 October 2025

FOI Ref 2025/26-071R

### Request

On 12 August 2025 you made a request for information to the Scottish Police Authority. On 11 September 2025 Authority advised that we were unable to provide all of the information as it would prove too costly within the context of the fee regulations. However, in order to assist, the Authority provided a number of links to information that was publicly available.<sup>1</sup>

On 11 September 2025 you asked the Authority to review this decision with a list of requested actions.

1. Conduct a thorough, documented re-search across SPA's board papers, committee minutes, email systems, policy-consultation files, and finance records.
2. Provide a search methodology log and limb-by-limb outcomes with proper s.17 "not held" notices where applicable.
3. Disclose (or provide a document schedule) for any responsive records, applying narrow redactions rather than blanket refusals.
4. Clarify SPA's governance stance on immigration oversight and Equality Act compliance post-UKSC ruling.
5. If SPA genuinely holds no records, explain—under the s.61 Code of Practice—how such significant governance matters could leave no recorded trail.

### Response

The Scottish Police Authority has considered your request for review under the Freedom of Information (Scotland) Act (FOISA).

The decision has been reviewed by an independent reviewer who was not involved in the original decision-making process and we can confirm that the original decision is upheld for the reasons set out below.

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<sup>1</sup> [FOI 2025/26-057 - Equality Act 2010 compliance and governance oversight](#)

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- The reviewer can confirm that staff undertook searches across the areas cited in point 1. Board and Committee meetings are published and the Authority provided the links to relevant meetings.
- The Authority is not required to provide the search methodology, however, to be transparent the below search terms were used. Not all the search terms were used by all staff.
  - Equality Act
  - Equality Act 2010
  - For Women Scotland
  - Gender Identity
  - Safeguarding
  - Prevention of compelled belief or restrictions on lawful expression
  - Immigration/resource eligibility
  - Equality Act 2010 refers to biological sex
  - UK Supreme Court in For Women Scotland Ltd v Scottish Ministers (No. 2) [2024] UKSC 12
  - Immigration
  - Border Control
  - Port Policing

- There is no requirement for the Authority to provide a document schedule. The initial search discovered 190 documents totalling over 8000 pages of data. At this point the Authority sought clarification from you to narrow the scope. However, the clarification did not reduce the scope sufficiently and as the 'excessive cost' threshold had already been met no further searches were conducted.

It should, however, be noted that all Authority and Police Scotland policies, procedures and guidance have a section for diversity which must be completed to evidence that equality and diversity have been considered in the production of the documents. As all Police Scotland policies, procedures and guidance come to the Authority for review these documents would have added significant additional volume to the documents in scope.

- ICVS provides oversight for the treatment of and conditions of detainees and for those held under immigration powers in police custody. Reports are available on the Authority's website.
- The exemption claimed is due to the significant volume of data within scope of the request.

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On 15 August 2025 the Authority wrote to you advising that the scope of your request 'may exceed the fee regulations' where the request was wider than information held in respect of the Supreme Court judgement.

The first section of your response appears to narrow the request and states *'This scope should avoid the "exceeds cost limit" scenario by excluding any wholly unrelated equality activity not linked to the April 2025 judgment or its anticipated impacts'*.

However, you also state *'This includes (but is not limited to) documents, emails, meeting minutes, impact assessments, legal or policy advice (subject to FOISA exemptions applied correctly), planning timetables, and equality strategy updates. The date range of 1 January 2019 to present is maintained to capture pre-judgment preparatory or related work, as well as post-judgment actions'* thereby widening the scope and engaging the cost exemption.

**Right to Review**

If you remain dissatisfied, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to [enquiries@foi.scot](mailto:enquiries@foi.scot) 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.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

**Scottish Police Authority**

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