



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

2 Clyde Gateway
French Street
Glasgow
G40 4EH

LETTER SENT BY EMAIL ONLY

12 August 2025

FOI Ref 2025/26-049

Request

Your request for information dated 25 July 2025 is copied below.

Please supply the anonymised reports and minutes from the meeting of the SPA Exceptional Circumstances Committee on 28th June 2023 and 28th August 2023.

Response

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

The Authority can confirm that information is held. Reports and approved minutes are held for both Exceptional Circumstances Committee on 28 June 2025 and 28 August 2025. The information held relates to a specific matter, and includes individuals' personal information and legal advice, all of which was provided in confidence.

While we aim to provide information wherever possible, some information is exempt in terms of the Act. In this instance, the information held is considered exempt for the following reasons.

Information is exempt where disclosure would be an actionable breach of confidence¹ and is third-party personal data.²

These exemptions are absolute and do not require application of the public interest test. While you may have a legitimate interest in disclosure

¹ This represents a notice under Section 36(2) of FOISA - Information may be withheld if the information was obtained by a Scottish public authority and disclosing it would constitute an actionable breach of confidence.

² This is a notice in terms of Section 38(1)(b) of FOISA - Third party data. Disclosure would contravene the data protection principle in Article 5(1)(a) of the General Data Protection Regulation: personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

of this information, it is our view that those interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

Information is also exempt if disclosure would prejudice the effective conduct of public affairs³ or prejudice a public authority's functions.⁴ Further, some of the information is legal advice to the Authority, which is subject to legal privilege.⁵

The Authority also considers that the release of this information would be likely to endanger the health of an individual.⁶

These exemptions require application of the public interest test.

Public Interest Test

The public interest factors in favour of disclosure is that:

- This would adhere to the basic principle of being open and transparent.
- This would support public understanding of the work of the Authority and the Exceptional Circumstances Committee.

The public interest factors in favour of maintaining the exemptions are:

- Those with a direct interest in this aspect of the Authority's functions may lose confidence if the information requested were to be disclosed publicly, where current legislation provides for privacy, and makes no provision for disclosure.
- Disclosure of information provided in confidence may result in individuals being unwilling to engage in this aspect of the Authority's functions. This would prejudice substantially the ability of the Committee to discharge their duties effectively in accordance with the Authority's Corporate Governance Framework, and for the Authority to fulfil its function.
- There is a strong inherent public interest in maintaining the right to confidential communications between a legal adviser and client.

³ This represents a notice under Section 30(c) of FOISA - Information is exempt from disclosure where disclosure would, or would be likely to prejudice substantially the effective conduct of public affairs.

⁴ This represents a notice under Section 35(1)(g) of FOISA - Information will be exempt if disclosure would, or would be likely to, prejudice substantially the exercise by any Scottish public authority of its functions under Section 35(2).

⁵ This represents a notice under Section 36(1) of FOISA - Information may be withheld if it is information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings.

⁶ This represents a notice in terms of Section 39(1) of FOISA - Information may be withheld if disclosure would, or would be likely to, endanger the physical or mental health or safety of an individual.

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- If the Authority's legal advice in individual cases were to be disclosed, it would prejudice substantially its ability to perform its legislative functions.
- There is a significant public interest in protecting individuals' health and safety. Disclosure of information under FOISA is a disclosure to the world at large, not only the person making the request. Even where information may already be in the public domain, it is likely that disclosure would endanger the health and wellbeing of those individuals directly involved.
- While we recognise that some of the information may not be exempt under the notices provided, this applies to such a small amount of information that to disclose this on its own would render it meaningless, yet may be harmful, if causing speculation.

On balance, our conclusion is that maintaining the exemptions outweighs the public interest in disclosure.

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email 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@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](#) in seven days' time.

Yours faithfully

Scottish Police Authority

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