



The Scottish Parliament  
Pàrlamaid na h-Alba

**PUBLIC PETITION NO.**

**PE01763**

### **Name of petitioner**

Robert Brown

### **Petition title**

Make the Scottish Police Federation comply with FOI legislation

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to make the Scottish Police Federation comply with The Freedom of Information (Scotland) Act 2002.

### **Action taken to resolve issues of concern before submitting the petition**

Elaine Smith MSP has made many representations on my behalf including writing to the various First Ministers, Justice Ministers, Lord Advocates, Police Complaints Commission, Strathclyde Police Authority, Police Investigation Review Commission, Strathclyde Police Federation and the Scottish Police Federation.

Mrs Smith also lodged a number of parliamentary questions on my behalf including seeking clarification on the issue in July 2019 from the Cabinet Secretary for Justice and from the Scottish Parliament Information centre.

### **Petition background information**

The Scottish Police Federation (SPF) is currently not required to comply with The Freedom of Information (Scotland) Act 2002, whereas the Police Federation of England and Wales is required to comply with the Freedom of Information Act 2000. All UK police forces, except Police Scotland are also required to comply with the Act.

In my opinion, the foregoing is an anomaly, given the situation in England and Wales and I would suggest that making the SPF compliant with The Freedom of Information (Scotland) Act 2002 would assist every member of the SPF, every one of the 17,000 police officers in Scotland as well as members of the public who come into contact with the police and who are interested in openness and transparency. The SPF hold large amounts of information about police officers including financial and medical information, as well as details about criminal and misconduct allegations made against officers.

As a result of their position in representing police officers who are subject to investigation the SPF also receive and retain information about members of the public

investigation, the SPF also receive and retain information about members of the public. Neither SPF members, police officers, nor members of the public are able to access this information. The SPF also hold large amounts of information about police officers' pay, pensions, welfare and how SPF subscriptions are spent and used among other matters which can be accessed by other Federation members, police officers and members of the public, elsewhere in the UK, but not in Scotland.

The current anomaly in my opinion is a bar to any SPF member, police officer, member of the public or other interested party to gain access to information which is readily available to interested parties in other parts of the UK.

If Scotland prides itself on openness and transparency then a body which represents many people and holds information on many more should not be allowed to be excluded from this legislation when equivalent bodies in other parts of the UK are not excluded from the equivalent legislation, i.e. The Freedom of Information Act 2000.

The Freedom of Information Act 2000 is specific to England and Wales and is therefore not applicable in Scotland. In my opinion, common sense dictates that the same standard should apply across the UK and accordingly this petition is calling for the SPF to be required to comply with the equivalent legislation in Scotland.

#### Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01763>

#### Related information for petition

#### Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

#### How many signatures have you collected so far?

0

#### Closing date for collecting signatures online

18 / 11 / 2019

#### Comments to stimulate online discussion

- Do you agree that the Scottish Police Federation should be required to comply with The Freedom of Information (Scotland) Act 2002 to bring it in line with the compliance requirements currently in place for the Police Federation in other parts of the UK?
- Do you believe that individuals should have the right to access all information held about them by SPF and other organisations?
- Do you have experience of the issues raised in this petition?