

BY EMAIL

6th June 2017

Attn. Public Audit and Post-Legislative Scrutiny Committee

I wish to respond to the letter from three of my former Board colleagues at the Scottish Police Authority (SPA) dated 25th May 2017.

Incident in 2015

The Members have concluded that John Foley handled this issue appropriately. They did not speak to me before reaching that conclusion, or seek information that I held. I challenge their conclusion.

My view, supported by documentary evidence, is that Mr Foley failed in his duties to safeguard information and to take seriously concerns about the destruction of documents. I spoke to him on 10th July 2015 and asked for the “diversity pony” documents. In the absence of any response, I wrote asking for an update on 17th July. He replied that the documents “were subsequently securely disposed of.”

On 19th July I sent him a formal complaint, stating that I had previously written to the SPA on three separate occasions asking for the documents, prior to asking John Foley for them on 10th July. I asked him when disposal took place, by whom, and for what reason. I never received an answer to these questions.

On 4th August he acknowledged my complaint. On 7th August the SPA wrote asking me to specify my original request again in writing. As the documents had already been destroyed, I could not see the point (and in any case, I had already supplied these details.) No one at any time addressed the points raised in my complaint, namely when, why and by whom had the information been destroyed. In fact, I received no response to it. I received some information on 23rd September, more than three months after my first request to John Foley, relating to the meeting at which the comment was made. However, I never received the documents I had asked for (as they had been destroyed), nor any account of what John Foley would do to address this unacceptable situation. On this basis, it is my view that the SPA Members’ conclusion that the SPA CEO handled this matter appropriately is without ground.

Recent information requests

My former colleagues told you that they are satisfied that my information requests have been handled “consistent with the approach that would be taken with any member of the public.” I was asked to appear before PAPLS not as a member of the public, but as a former member of the Scottish Police Authority Board. My information request was made on that basis.

Anticipating an obstructive response, I spoke to the Director General for Learning and Justice on 28th April to seek his personal help in securing the documents I needed. (Nothing I requested had not been in my possession as a Board Member.) I followed up in writing on 2nd May. Despite the help and support of Scottish Government, I was only

provided with the same set of documents that had been requested by the Committee; documents which were in the public domain, and which I could have obtained simply from the internet.

No number of emails and telephone calls produced results. On 5th May I had to resort to making a Subject Access request to see if I could secure documentation by that route, in tandem with attempts to obtain the information with the assistance of Directors in Policing and of Safer Communities Directorates.

At 6pm on the evening before my appearance before PAPLS, John Foley said "You have already made a formal subject access request for information which the SPA holds and this will be addressed within appropriate timeframes. I believe it is reasonable to deal with your information request in the context of that process." Thus far I have received nothing more under DPA legislation.

On 22nd May I received an email from an unnamed person at SPA about my FOI request of 5th May, although I have not made any such request under that legislation. To date I have not received any information under FOI either.

The approach of SPA has been unhelpful and obstructive. They would not provide what I needed for my PAPLS evidence. They have not supplied anything in response to my DPA application and nor have they met the FOI timescales (albeit that I never made any such application). They have treated me as a member of the public, when that was not the basis of my appearance at the Committee.

In the face of the above, it is hard to see how my former colleagues can conclude that the handling of this matter has been appropriate. It is also hard to believe the SPA's renewed claims about its commitment to openness and transparency.

Yours faithfully,

Moi Ali