



**Police Complaints Commissioner for Scotland Publication Scheme  
produced as required by the Freedom of Information (Scotland) Act 2002**

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## **1. INTRODUCTION**

### **1.1 Freedom of Information (Scotland) Act 2002**

The Freedom of Information (Scotland) Act (“FOISA”) provides individuals with a right of access to all recorded information held by Scottish public authorities. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a scheme for the publication of information. A publication scheme sets out the types of information that a public authority routinely makes available. This is the publication scheme of the Police Complaints Commissioner for Scotland and has been approved by the Scottish Information Commissioner, who is responsible for enforcing FOISA.

### **1.2 Purpose and aims of the PCCS’s Publication Scheme**

The purpose of this publication scheme is to provide you with details about the range of information that the PCCS routinely publishes. It also provides details of how to access this information, indicating whether it is available free, or whether there is a charge for the information. The scheme also aims to satisfy the PCCS’s Management Statement on external accountability, to improve public access to information held by the PCCS and to encourage public awareness of the role of the PCCS and the decisions reached by the PCCS.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (“the EIRs”) provide a separate right of access to the environmental information that we hold. This publication scheme also contains details of any environmental information that we routinely make available.

Where information is not published under this scheme, you can request it from us under FOISA or, in the case of environmental information, the EIRs. For further information on accessing information not covered by this scheme, refer to Section 11 – How to access information not available under this scheme.

## **2. ABOUT THE PCCS**

The Police Complaints Commissioner for Scotland was established under Part 2 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 ("2006 Act") and assumed full powers on 1 April 2007. The PCCS is appointed by Scottish Ministers and is an executive non-departmental public body.

### **2.1 Main functions and responsibilities and overall aims**

The PCCS is accountable to the Scottish Ministers. The PCCS aims to ensure that the policies and actions of the PCCS support the wider strategic aims of the Scottish Ministers and that the PCCS's affairs are conducted with probity. The PCCS holds corporate responsibilities, set out in detail in the PCCS Management Statement.

The PCCS has particular leadership responsibility in the areas:

- formulating the PCCS's strategy;
- ensuring that in reaching decisions, proper account is taken of guidance provided by the Scottish Ministers / Department;
- promoting the efficient and effective use of staff and other resources;
- encouraging high standards of propriety; and
- representing the PCCS to the general public.

Within the 2006 Act, the Scottish Ministers have defined the overall aims for the PCCS as follows:

- Scrutinise independently the manner in which police organisations deal with complaints from the public they serve;
- Ensure that police organisations in Scotland have in place appropriate procedures for handling complaints and that these procedures are followed effectively;
- Prepare reports for Scottish Ministers about how complaints are being dealt with, both general reports commenting on police organisations as a whole, and specific reports dealing with particular issues which may arise; and
- Drive up standards and consistency in the way police complaints are handled across the Scottish Police Service.

### **2.2 Contact details for the PCCS**

The PCCS can be contacted at:

Police Complaints Commissioner for Scotland  
Hamilton House  
Hamilton Business Park  
Caird Park  
Hamilton  
ML3 0QA

Freephone 0808 178 5577  
Email [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org)  
Website [www.pcc-scotland.org](http://www.pcc-scotland.org)

### 3. FORMULATING THE SCHEME

When preparing or reviewing our publication scheme, we are obliged by FOISA to have due regard to the public interest in providing access to the information that we hold which relates to:

- the services provided by the PCCS;
- the costs of those services;
- the standard attained by those services;
- the facts that inform the decisions taken by the PCCS that are of importance to the public; and
- the reasons for the decisions made by the PCCS.

In preparing this publication scheme, the PCCS has also had regard to the following factors in identifying the classes of information to be included under scheme:

- the internal classes of information that we hold;
- information which is already available to the public, such as information accessible from the PCCS website;
- freedom of information requests already received from the general public; and
- information which the PCCS wishes to make available.

We have also consulted the Scottish Government on the development of our scheme and had regard to the Scottish Information Commissioner's "Publication Scheme Guidance".

The Director of the PCCS is designated as responsible for the overall organisation and management of the publication scheme. The Strategic Business Manager is responsible for the daily maintenance of the scheme.

## 4. ACCESSING INFORMATION

Information available under our publication scheme will normally be available through the routes described below. *Section 12 – Classes of Information* provides more details on the information available under the scheme, along with additional guidance on how the information falling within each “class” may be accessed.

**Online:** Most information listed in our publication scheme is available to download from our website. In many cases a link within *Section 12: Classes of Information* will direct you to the relevant page or document. Where no such link is present, you can use our website’s “Search” facility at [Insert appropriate search URL]. If you are still having trouble finding any document listed under our scheme, then please call our freephone number 0808 178 5577 for further assistance.

**By phone:** Information can also be requested from us over the telephone. Please call 0808 178 5577 to request information available under this scheme.

**By email:** if the information you request is not available on this website, but is listed in our publication scheme, we will send it to you by email, wherever practicable. Our email address is: [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org). When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

**By post:** All information is also available in a paper copy form. Please address your request to:

Freedom of Information Officer  
Police Complaints Commissioner for Scotland  
PO Box 26300  
Hamilton  
ML3 3AR

When requesting information in writing please include:

- your name, address and telephone number (and organisation, if applicable);
- details of the information or documents you would like to see;
- the format you would like the information to be in (i.e. printed copy downloaded from the website, email attachment, etc); and
- any fee applicable.

Please also include a telephone number, so that we can telephone you to clarify any details, if necessary.

**Personal visits:** For some classes of information, you will need to make an appointment to view the information. We will advise you if this is the case. To arrange a visit, please contact our Freedom of Information Officer on our freephone number: 0808 178 5577

Whilst the PCCS will attempt to provide the information in the format you request, this may not be possible in all cases. For example, where we only possess paper copies of the documents we will not be able to send them by email.

If information requested is required in an alternative format, e.g. on audio tape, in Braille or alternative languages, please let us know and we will take all reasonable steps to provide it in the format requested. Please note, the provision of alternative formats of information may take longer, however, we will always provide publications as quickly as possible. In the event of a delay, PCCS will contact you to explain why and when you can expect to receive the requested information.

If you need further information to help you determine which documents you want to see, please contact us and we will be happy to help.

Please note that there may be a charge for accessing information in this scheme - see Section 6 on Charging Policy.

## **5. INFORMATION THAT WE MAY WITHHOLD**

All information covered by this publication scheme can either be accessed through the PCCS's website or will be provided promptly on request.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in Section 12 – *Classes of Information*. Information will only be withheld, however, where FOISA (or in the case of environmental information, the EIRs, expressly permits it.

Information may be withheld, for example, where its disclosure could breach the law of confidentiality, could substantially prejudice matters of law enforcement, could harm an organisation's commercial interests, or could endanger the protection of the environment. Information may also be withheld if it is another person's personal data in terms of the Data Protection Act 1998 and its disclosure would breach data protection legislation.

Where information is withheld, the PCCS will inform you of why this information is being withheld. Even where information is withheld, it may be possible to provide copies of documents with the withheld information edited out.

If you wish to complain about information which is being withheld from you, please read refer to Section 10 – *Complaints*.

## 6. CHARGING POLICY

Unless otherwise stated in Section 12 – *Classes of Information*, all information contained within this publication scheme is available from the PCCS free of charge where it can be downloaded from our website or sent to you electronically by email.

There is no charge for accessing information that appears on the PCCS website. For those that do not have Internet access, a single printout as on the website will be available from PCCS on request, and free of charge unless otherwise indicated.

The PCCS reserves the right to impose charges for providing other information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. All charges will be payable in advance of supplying the information.

### **Reproduction costs:**

Where charges are applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper in black and white copy and 30p per A4 side of paper in colour copy.

Computer discs will be charged at the rate of £1.00 per CD-Rom.

### **Postage cost:**

We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

## 7. COPYRIGHT

The PCCS holds the copyright for the vast majority of information in this publication scheme. All of this information can be copied or reproduced without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, and provided that the source of the material is identified.

The publication scheme may, however, contain information where the copyright holder is not the PCCS. In most cases, the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder. Wherever possible, this scheme will indicate where we do not own the copyright on documents within Section 12 – *Classes of Information*.

Information about Crown copyright material is available on the website of the Queen's Printer for Scotland at [www.oqps.gov.uk](http://www.oqps.gov.uk). We can provide you with a copy of this information if you do not have internet access.

## 8. RECORDS MANAGEMENT AND DISPOSAL POLICY

The Commissioner observes the Scottish Ministers' Code of Practice on Records Management ([www.scotland.gov.uk/About/FOI/18022/13383](http://www.scotland.gov.uk/About/FOI/18022/13383)), published by Ministers in accordance with Section 61 of the Freedom of Information (Scotland) Act 2002.

The PCCS has developed a records management and disposal policy which regulates issues such as archiving and document retention. In particular, the PCCS's policy covers the following issues: record content; record monitoring and retrieval; recording, archiving and review; and disposal. The PCCS's record management policy is available at [www.pcc-scotland.org](http://www.pcc-scotland.org).

## 9. FEEDBACK

FOISA requires that the PCCS reviews its publication scheme from time to time. As a result, we welcome feedback on how we can develop our scheme further. You may, for example, want to tell us about:

- other information that you would like to see included in the scheme;
- whether you found the scheme easy to use;
- whether you found the publication scheme useful;
- whether our staff were helpful, in cases where you required to contact them;
- other ways in which our publication scheme could be improved.

If you would like to comment on any aspect of this publication scheme, please contact us by writing to:

Strategic Business Manager  
Police Complaints Commissioner for Scotland  
Hamilton House  
Hamilton Business Park  
Caird Park  
Hamilton  
ML3 0QA  
Freephone 0808 178 5577

Or alternatively, by email: [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org).

## 10. COMPLAINTS

Our aim is to make this publication scheme as user-friendly as possible. We hope that you can access all the information we publish with ease. If you do wish to complain about any aspect of the publication scheme, however, please contact us and we will try to resolve your complaint as promptly as possible. You can contact us at:

Strategic Business Manager  
Police Complaints Commissioner for Scotland  
PO Box 26300  
Hamilton  
ML3 3AR  
Freephone 0808 178 5577

Or alternatively, by email [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org).

Any complaint will be acknowledged within two working days of receipt and we will respond in full within twenty eight working days of receipt.

You have legal rights to access information under this scheme and a right to appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing\* or another recordable format. If you are unhappy with our response to your request you can ask us to review it. If you are still unhappy, you can appeal to the Scottish Information Commissioner.

The Scottish Information Commissioner's website has a guide to this three step process. He operates an enquiry service on Monday to Friday from 9.00am to 5.00pm. His office can be contacted at the following address:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS

Tel: 01334 464610  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)  
Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

\*Verbal requests for environmental information carry similar rights.

## 11. HOW TO ACCESS INFORMATION NOT AVAILABLE UNDER THIS SCHEME

If the information you are seeking is not available under this publication scheme, then you can request it from us. The Freedom of Information (Scotland) Act 2002 (“FOISA”) provides you with a right of access to the information that the PCCS holds. The Environmental Information (Scotland) Regulations (“EIRs”) separately provide a right of access to the environmental information the PCCS holds. The Data Protection Act 1998 (“DPA”) provides you with a right of access to any personal information about you that the PCCS holds. All of these statutory information access regimes are subject to certain exemptions or exceptions.

Should you wish to request a copy of any information that we hold that is not available under this scheme, please write to:

Freedom of Information Officer  
Police Complaints Commissioner for Scotland  
PO Box 26300  
Hamilton  
ML3 3AR  
Freephone – 0808 178 5577

Or alternatively, by email: [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org).

### Charges for information which is not available under the scheme

The charges for information which *is* available under this scheme are set out under section 6 – Charging Policy. If you submit a request to us for information which *is not* available under this scheme, the charges will be based on the following calculations:

General information requests:

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £101 and £600 to provide you may be asked to pay 10% of the cost. We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

### Charges for environmental information:

We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for providing information to you.

In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to the authority of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

The first £100 worth of information will be provided to you without charge.

Where information costs between £100 and £600 to provide you will be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, that calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.

Where it would cost more than £600 to provide the information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

Requests for your own personal data:

Subject to certain exemptions, you have a right to be told whether information is held about you and a right to request a copy of that information. The PCCS will only provide the requested information where the requestor has satisfied the PCCS of his/her identity and received the appropriate fee. In terms of requests for your own personal data which the PCCS will consider in accordance with the requirements of the DPA, the PCCS may charge a fee of up to £10.

The law requires that you should be given details of any personal data held about you within 40 days of receipt of a request. This period cannot start until we have received all the relevant information, proof of your identity and the required fee.

## 12. CLASSES OF INFORMATION

The classes of information that the PCCS publishes or intends to publish are listed under headings below, and are accompanied by a brief description of the documents/information included. If a charge is payable, it will be indicated and will be payable in advance.

The following is not a list of the actual publications, as this will change over time as other things are published. Information that falls into the classes below will be dealt with in accordance with our records retention policy.

All information/documents will be published on the PCCS website except where otherwise indicated, and printed copies are available on request subject to the removal of any exempt information.

Class of Information	Example	Manner of publication	Where to locate on website	Fee
Information about the staff of the PCCS	The name of the Commissioner, and the structure of organisation.	This information is available on the PCCS's website: <a href="http://www.ppc-scotland.org">www.ppc-scotland.org</a>	Under 'About' section of website, in sub category, 'Who's who'	No Charge
How to contact the PCCS	Postal address, e-mail address, telephone and fax numbers	This information is available on the PCCS's website: <a href="http://www.ppc-scotland.org">www.ppc-scotland.org</a>	At the bottom of every web page	No Charge
Corporate Information	Management Statement and Financial Memorandum; Business Plans, Accounts and Performance Information; HR management policies; Finance strategy and policy; Environmental policy Procurement policy and information about contracts  Decisions taken – e.g., minutes of management meetings Annual reports Annual accounts	This information is available on the PCCS's website: <a href="http://www.ppc-scotland.org">www.ppc-scotland.org</a>	Under 'About' section of website, in sub category, 'Corporate information'  (Still awaiting some documents to be uploaded)	No Charge
Legal framework relevant to the PCCS	The Police, Public Order and Criminal Justice (Scotland) Act 2006	This information is available on the PCCS's website: <a href="http://www.ppc-scotland.org">www.ppc-scotland.org</a> This information is also available on the website of the Office of Public Sector Information: <a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a>	Under 'About' section of website, main page.	No Charge
Complaint handling	Standards, guidance and guidelines Advice on making a complaint to the PCCS	This information is available on the PCCS's website:	Under "Your Complaint" section of website, main page	No Charge

information and policies		<a href="http://www.ppc-scotland.org">www.ppc-scotland.org</a>	and all sub categories.	
Complaint handling reviews	Reports of complaint handling reviews	This information is available on the PCCS's website: <a href="http://www.ppc-scotland.org">www.ppc-scotland.org</a>	Under Complaint Handling Reviews section of the website	