

Decision Notice 062/2020

“Poileas Alba” rebranding costs

Applicant: Applicant

Public authority: Police Service of Scotland

Case Ref: 201901319



Scottish Information
Commissioner

Summary

Police Scotland was asked for the costs of rebranding vehicles, websites and correspondence with “Poileas Alba”. Police Scotland responded that no information was held.

The Commissioner investigated and found that Police Scotland complied with FOISA in responding to the request.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections (1) and (4) (General entitlement); 17(1) (Notice that information is not held)

The full text of each of the statutory provisions cited above is reproduced in Appendix 1 to this decision. The Appendix forms part of this decision.

Background

1. On 23 April 2019, the Applicant made a request for information to the Chief Constable of the Police Service of Scotland (Police Scotland). He asked for the total costs of rebranding vehicles, websites and correspondence with “Poileas Alba” (part 1) and whether the decision to rebrand was a political or operational decision (part 2).
2. Police Scotland responded on 11 July 2019. In response to part 2, Police Scotland told the Applicant that the information was otherwise accessible and provided a link to the Police Scotland Gaelic Language Plan (GLP). In response to part 1, Police Scotland explained that, as changes were carried out in-house and involved the resizing of the original branding to incorporate the Gaelic wording, there was no specific budget dedicated to the implementation. Therefore, no information was held.
3. On 18 July 2019, the Applicant wrote to Police Scotland requesting a review of its decision. He did not believe there was no extra cost involved in the rebranding.
4. Police Scotland notified the Applicant of the outcome of its review on 2 August 2019. Police Scotland maintained that there was no information held falling within the scope of part 2 of his request. Police Scotland provided further explanation of the process and why there was no specific budget.
5. On 6 August 2019, the Applicant wrote to the Commissioner. The Applicant applied to the Commissioner for a decision in terms of section 47(1) of FOISA. The Applicant stated he was dissatisfied with the outcome of Police Scotland’s review because he did not accept no information was held.

Investigation

6. The application was accepted as valid. The Commissioner confirmed that the Applicant made a request for information to a Scottish public authority and asked the authority to review its response to that request before applying to him for a decision.

7. On 27 August 2019, Police Scotland was notified in writing that the Applicant had made a valid application and the case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. Police Scotland was invited to comment on this application and to answer specific questions. These related to how Police Scotland determined that no information was held and the searches that were conducted.

Commissioner's analysis and findings

9. In coming to a decision on this matter, the Commissioner considered all of the relevant submissions, or parts of submissions, made to him by both the Applicant and Police Scotland. He is satisfied that no matter of relevance has been overlooked.

Section 17(1) – Notice that information is not held

10. In terms of section 1(4) of FOISA, the information to be provided in response to a request under section 1(1) is that falling within the scope of the request and held by the authority at the time the request is received. This is subject to qualifications, but these are not applicable here. If no such information is held by the authority, section 17(1) of FOISA requires the authority to give the applicant notice in writing to that effect.
11. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining this, the Commissioner will consider the scope, quality, thoroughness and results of the searches carried out by the public authority. He will also consider, where appropriate, any reason offered by the public authority to explain why the information is not held.
12. Police Scotland were asked how they had established that they did not hold any recorded information falling within the Applicant's request.
13. In response, Police Scotland referred to previous submissions provided to the Commissioner in relation to prior applications for similar information requested after a press release on 19 September 2017 about the change of their logo to include Gaelic¹. Police Scotland submitted that these submissions remained relevant and the information was not held.
14. Police Scotland asked their Fleet Department and their Finance Department for information within scope of those requests which focussed on the rebranding of vehicles. They confirmed that no information was held. Police Scotland confirmed that information sought in this recent request had not changed from responses to previous requests.
15. Police Scotland provided detail of why there had been no additional budget for the rebranding of correspondence. It explained that both website rebranding and that for correspondence, documents, forms and booklets was conducted in-house and did not involve additional suppliers. Print rooms were asked to confirm the processes undertaken to brand these documents and confirmed that, in a similar process to the vehicle rebranding, current stockpiles were used up and newly branded documents were only printed in-house once the surplus had been depleted.

¹ <http://www.itspublicknowledge.info/ApplicationsandDecisions/Decisions/2018/201801316.aspx>

16. Police Scotland explained that all document templates are held digitally, allowing Police Scotland to create its own data sets for printing as required. Police Scotland also confirmed that there had not been any back record conversion electronically or otherwise.
17. Police Scotland repeated the information provided to the Applicant with regard to the GLP published on their website which provides details of how the rebranding should be implemented:

No new budget allocations are presumed to deliver the elements of this plan. The challenge is to deliver the GLP using existing resources efficiently and to maximise outcomes through effective partnership activity and the use of staff time.
18. The Commissioner also notes that page 33 of the GLP states that “Police Scotland Vehicles [are] to have bilingual markings on a replacement basis”.

Conclusion

19. Having considered the relevant submissions about the searches undertaken and further background information to this policy, the Commissioner accepts, on the balance of probabilities, that Police Scotland do not hold a “standalone” budget for rebranding. The Commissioner is satisfied that Police Scotland correctly gave notice to the Applicant that the information requested is not held, as required by section 17(1) of FOISA.

Decision

The Commissioner finds that the Chief Constable of the Police Service of Scotland complied with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by the Applicant.

Appeal

Should either the Applicant or Police Scotland wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Margaret Keyse
Head of Enforcement

14 May 2020

Appendix 1: Relevant statutory provisions

Freedom of Information (Scotland) Act 2002

1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

...

- (4) The information to be given by the authority is that held by it at the time the request is received, except that, subject to subsection (5), any amendment or deletion which would have been made, regardless of the receipt of the request, between that time and the time it gives the information may be made before the information is given.

...

17 Notice that information is not held

- (1) Where-

- (a) a Scottish public authority receives a request which would require it either-

- (i) to comply with section 1(1); or
(ii) to determine any question arising by virtue of paragraph (a) or (b) of section 2(1),

if it held the information to which the request relates; but

- (b) the authority does not hold that information,

it must, within the time allowed by or by virtue of section 10 for complying with the request, give the applicant notice in writing that it does not hold it.

...

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

www.itspublicknowledge.info