



Scottish Information
Commissioner
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Decision Notice 295/2025

Cost of Operation Branchform

Authority: Police Service of Scotland
Case Ref: 202501343

Summary

The Applicant asked the Authority for the costs relating to Operation Branchform in terms of monetary value and total hours of time spent by those employed directly and indirectly by the Authority. The Authority informed the Applicant that it did not hold the specific information requested. The Commissioner investigated and found that the Authority did not hold the specific information requested.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 15 (Duty to provide advice and assistance); 17(1) (Notice that information is not held); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 11 February 2025, the Applicant made a request for information to the Authority. He asked for the cost to date of Operation Branchform in terms of both monetary value and total hours of time spent by persons employed directly and indirectly by the Authority.
2. The Authority responded on 11 March 2025. It issued the Applicant with a notice, under section 17(1) of FOISA, that it did not hold the information requested. It explained that the total costs relating to any investigation were difficult to quantify but, as part of its duty to provide advice and assistance, it provided details of some recorded costs relating to overtime and estimated salary costs.

3. On 26 March 2025, the Applicant wrote to the Authority requesting a review of its decision. He stated that he was dissatisfied with the decision because he did not accept that the Authority could not collate the information requested, particularly given the high-profile nature of the investigation.
4. The Authority notified the Applicant of the outcome of its review on 23 April 2025, which fully upheld the original response. However, it provided the Applicant with some further information relating to police staff overtime and non-pay costs.
5. On 8 August 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. He stated that he was dissatisfied with the outcome of the Authority's review because he believed that the Authority held the information requested.

Investigation

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 3 September 2025, the Authority was notified in writing that the Applicant had made a valid application. The case was subsequently 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. The Authority was invited to comment on this application and to answer specific questions related to the steps it had taken to establish that it did not hold the information requested and whether the information requested could be extracted from existing data.

Commissioner's analysis and findings

9. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

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

10. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) are not applicable in this case.
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 where the balance lies, the Commissioner must first of all consider the interpretation and scope of the request and thereafter the quality, thoroughness and results of the searches carried out by the public authority.
12. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. Ultimately, however, the Commissioner's role is to determine what relevant recorded information is actually held by the public authority (or was, at the time it received the request).

The Applicant's submissions

13. The Applicant considered that Operation Branchform was “arguably the highest profile investigation” undertaken by the Authority in recent years. He found it unlikely that more precise information about hours and costs was not held by the Authority and that its financial performance management systems were incapable of generating a more accurate picture in terms of the cost and time spent on this investigation.
14. The Applicant accepted the Authority’s position that the nature of policing meant that officers were deployed to wherever their services were most required, that the number of officers required throughout an investigation would fluctuate and officers involved in a particular investigation, or multiple investigations, can be redeployed to other duties. However, he found it difficult to believe that the Authority held only limited records and that these records did not provide an accurate reflection of the total number of hours spent on an investigation.
15. The Applicant argued that it may be an indication of “financial mismanagement” that more precise information was not available. He believed that the information should be collated and made available by the Authority, given that this was such a high-profile investigation and that members of the public had “the right to know how much this particular investigation has cost, in hours and money”.
16. In terms of providing transparency and accountability, the Applicant considered that if it was the case that the information requested was not held, then it “must be concluded that the performance management and financial management arrangements in [the Authority] are inadequate and unfit for purpose”.

The Authority's submissions

17. In responding to the request, the Authority confirmed that it had consulted with its Finance Department – which holds all recorded financial data attributed to Operation Branchform.
18. The Authority explained that the total costs relating to any investigation, both relating to the investigation itself and the number of hours involved, were difficult to quantify as the nature of policing meant that officers would be deployed to wherever their services were most required.
19. In terms of the number of officers required throughout an investigation, the Authority explained that this would fluctuate and officers involved in a particular investigation, or multiple investigations, could be redeployed to other duties at any time, depending on their skillsets.
20. The Authority explained to the Applicant that the salary costings it had provided were an estimate, based on the top point of the officer’s rank, and the number involved in the operation at any given time.
21. While the Authority kept limited records for investigations, recording overtime costs and non-pay costs, these costs did not provide an accurate reflection of the total number of hours spent on an investigation. For example, the costs did not include officer hours where that officer would have been on duty in any case and, as such, were not recorded as a specific expense to a particular investigation.
22. The Authority noted that it did not have a legal duty to hold the information and there was no internal or external guidance to expect this level of detailed information would be held.

23. In terms of attributing costs to a specific cost code, the Authority explained that once Operation Branchform commenced, it sat with one department, and related costs were absorbed into “business as usual” processes. A specific “cost code” was not applied immediately but was later applied after a review, to ensure the Authority could extrapolate the costs of the operation as more work was conducted and other business areas across the Authority were involved.
24. Although some costs could be attributed and captured by the cost code for Operation Branchform, the Authority explained that there were occasions when officers would be deployed to other duties during the period of Operation Branchform and so it would not provide an accurate account of duties captured when only using the cost code.

The Commissioner’s view

25. The Commissioner has taken account of all the relevant submissions provided by both the Applicant and the Authority.
26. Given the explanations and submissions provided, the Commissioner considers that the Authority took adequate and proportionate steps in the circumstances to establish if the information was held and he is satisfied that it does not (and did not, on receipt of the request) hold the information requested by the Applicant.
27. Having considered the submissions provided, and having taken account of the reasons why the information was not (and is not) held, the Commissioner is satisfied that the Authority it does not (and did not, on receipt of the request) hold the information requested by the Applicant.
28. While the Applicant believed and expected the specified information to be held by the Authority, the Commissioner is satisfied that this was not the case. He has no locus, in this context, to determine what information an authority ought to record, or how: he is concerned with what information the authority actually holds.
29. In all the circumstances, the Commissioner concludes that the Authority was correct to give the Applicant notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.
30. Taking account of the above, the Commissioner is also satisfied that reasonable advice and assistance was provided to the Applicant during the handling of the Applicant’s request and, therefore, that the Authority complied with section 15 of FOISA.

Decision

The Commissioner finds that the Authority 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 the Authority 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.

Euan McCulloch
Head of Enforcement

10 December 2025