



Scottish Information
Commissioner
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Decision Notice 213/2026

Crimes committed by police officers – failure to respond

Authority: Chief Constable of the Police Service of Scotland
Case Ref: 202600318

Summary

The Applicant asked the Authority for information about crimes committed by police officers and the outcomes of these. This decision finds that the Authority failed to respond to the Applicant's request and requirement for review within the timescales allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. On 14 May 2025, the Applicant made an information request to the Authority.
2. The Authority did not respond to the information request.
3. On 10 July 2025, the Applicant wrote to the Authority requiring a review in respect of its failure to respond.
4. The Applicant did not receive a response to her requirement for review within 20 working days and so chased up the Authority's review outcome on 17 October 2025.
5. That same date, the Authority wrote to the Applicant. It apologised for the delay and informed her of her right to request a review based on its failure to respond to her initial request.
6. On 21 October 2025, the Applicant wrote to the Authority confirming that she wished it to carry out a review.
7. The Authority provided the Applicant with its review outcome on 19 February 2026.
8. That same date, the Applicant wrote to the Commissioner, stating that she was dissatisfied with the Authority's failure to respond within the statutory timescales and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.

9. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

Investigation

10. Section 49(3)(a) of FOISA requires the Commissioner to notify public authorities of an application and to give them an opportunity to comment. The Commissioner did this on 20 July 2026.
11. The Commissioner received submissions from the Authority. These submissions are considered below.
12. The Authority stated that, in general terms, it had been exceptionally busy over the course of the last year or so, and that increase in demand affected both the core FOI team and also the business areas it relied on for information. It explained that, whilst it endeavoured to turn requests around as quickly as possible, unfortunately it had been unable to meet the statutory deadline for some requests, of which this was an example.
13. The Authority submitted that, in particular, it had received a significant volume of requests on the subject of police officer conduct/criminality, which had increased pressure on colleagues in the Professional Standards Department who were balancing an ever-increasing FOI demand with operational priorities.
14. The Authority fully accepted that it had not adhered to the legislation on this occasion and extended its apologies to the Applicant for any inconvenience caused.
15. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the request to comply with a request for information. This is subject to qualifications which are not relevant in this case.
16. It is a matter of fact that the Authority did not provide a response to the Applicant's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.
17. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. Again, this is subject to qualifications which are not relevant in this case.
18. It is a matter of fact that the Authority did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
19. As stated above, the Authority responded to the Applicant's requirement for review on 19 February 2026, so the Commissioner does not require it to take any further action in relation to the Applicant's application.

20. The Commissioner would remind Scottish public authorities that the Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information (Scotland) Regulations 2004 ([the Section 60 Code](#)¹) expects them to be adequately resourced to support and deliver their FOI duties (paragraph 1.1.4 in Part 2).

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in dealing with the information request made by the Applicant. In particular, the Authority failed to respond to the Applicant's request for information and requirement for review within the timescales laid down by sections 10(1) and 21(1) of FOISA. Given that the Authority has now responded to the Applicant's requirement for review, he does not require the Authority to take any action.

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.

Jill Walker
Deputy Head of Enforcement

20 August 2026

¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2026/03/foi-eir-section-60-code-practice/documents/foi-eir-section-60-code-practice/foi-eir-section-60-code-practice/govscot%3Adocument/foi-eir-section-60-code-practice.pdf>