

LEGAL DOSSIER

OSWALD STREET CONTAINMENT & DATA RETENTION

Assessment of Police Powers, Human Rights Compliance,
Complaint Frameworks, and Data Erasure Procedures

Incident Date: Saturday, 25 July 2026 | Glasgow City Centre

AUTHORITY

Police Scotland

LOCATION

Oswald Street, Glasgow

STATUS

Under Review

DISCLAIMER

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OSWALD STREET CONTAINMENT & DATA RETENTION

Here is a structured legal dossier covering the Oswald Street containment, the applicable legal frameworks in Scotland, case law precedents, human rights articles, complaint mechanisms, and data erasure steps.

Subject: Assessment of Police Powers, Human Rights Compliance, Complaint Frameworks, and Data Erasure Procedures

Incident Date: Saturday, 25 July 2026

Location: Oswald Street, Glasgow City Centre

Authority: Police Scotland

Exercising & Overstepping of Powers

Criminal Procedure (Scotland) Act 1995

Under Section 13(1)(b) of the Criminal Procedure (Scotland) Act 1995, a police officer may only require personal details (Name, Address, Date/Place of Birth, Nationality) from a non-suspect if the officer believes that specific person has information relating to an offence.

The Breach: Applying Section 13 as a mass requirement across an entire contained crowd—without individualised justification.

Requirement of Notice: Section 13(5)(b) requires officers to inform the person of the general nature of the suspected offence.

Release" (The **Mengesha** Principle)

Reaches (ECHR & Human Rights Act 1998)

Conditioning an individual's release from a police containment area on giving personal details, being photographed, or submitting to checks constitutes an unlawful exercise of power where no individualised power of arrest or search exists.

ECHR Article	Legal Description	Application to Oswald Street Containment
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Article 8		
(Right to Respect for Private & Family Life) Protects against arbitrary collection, recording, and storage of personal identifiable data by public authorities. Compelling individuals to supply personal details under threat of continued detention, and logging those details on police databases, unlawfully interferes with private life.		
Article 5		
(Right to Liberty & Security) Protects against unlawful or arbitrary deprivation of liberty. Containment (<i>*kettling*</i>) is only lawful while an immediate threat of violence persists. Extending containment solely to process, log, or filter non-suspects converts a public order tactic into unlawful detention.		
Articles 10 & 11		
(Freedom of Expression & Assembly) Protects the right to peaceful assembly and freedom of expression. Subjecting peaceful participants, journalists, or bystanders to mandatory identification checks creates an unproportionate "chilling effect" on public gathering rights.		
Applicable in Scotland		
Police of the Metropolis [2013] EWHC 1695 (Admin)*		
• Relevance: Direct persuasive authority across UK jurisdictions on containment data processing.		
• Ruling: The High Court held that police have no lawful authority to make giving personal details or submitting to video/photo processing a condition of release.		
Police of the Metropolis [2009] UKHL 5 / [2012] ECHR 459*		
• Relevance: Binding UK Supreme Court / ECHR precedent on public order containment.		
• Ruling: Containment is only lawful under Article 5 ECHR if strictly necessary to prevent imminent breach of the peace or violence.		
United Kingdom [2008] ECHR 1581*		
• Relevance: Binding ECHR authority on police data retention.		
• Ruling: The blanket retention of personal data, fingerprints, or records of individuals who are acquitted or not suspected of a crime is disproportionate.		

Steps & Reporting Authorities

If you were subjected to unlawful detail collection or excessive detention on Oswald Street, pursue the formal complaint process below:

Police Scotland Professional Standards Department (PSD)

Formal Complaint to Police Scotland

▼ (If unsatisfied with outcome)

- Police Investigation and Review Commissioner (PIRC)
- To Whom: Police Scotland Professional Standards Department (PSD).
- How: Online via the Police Scotland Complaints Portal, by calling 101, or in writing to **Professional Standards Department**.
- Grounds to State:**
- Overstepping of statutory powers under Section 13 Criminal Procedure (Scotland) Act 1995 (lack of individualised suspicion).
- Unlawful detention under Article 5 ECHR (extending containment for processing).
- Breach of Article 8 ECHR under **R (Mengesha) [2013]**.

Police Investigation and Review Commissioner)

- To Whom: PIRC (Independent oversight body for Scotland).
- When: If Police Scotland fails to respond within reasonable time limits or if you disagree with their complaint handling outcome.
- Role: PIRC independently audits Police Scotland's handling of misconduct and operational complaints to determine whether

to Demand Data Deletion

To remove your details, CAD log references, or officer notebook entries associated with the 25 July 2026 incident:

Section 47 Right to Erasure Request

Write directly to the Police Scotland Data Protection Officer (DPO).

- Recipient: Data Protection Officer, Police Scotland, Information Management, Fettes Avenue, Edinburgh, EH4 1RB (or via email).
- Statutory Basis: Section 47 of the Data Protection Act 2018 (DPA 2018) – Right to Erasure in Law Enforcement Processing.
- **Key Arguments to Include:**
- Unlawful Collection: The data was collected unlawfully as a condition of release without valid Section 13 individualised grounds.
- Lack of Necessity: You were neither a suspect nor a material witness; retaining your details serves no active law enforcement purpose.
- Cite Precedent: Reference **R (Mengesha) v Commissioner of Police of the Metropolis [2013]** demanding total erasure of non-relevant information.

Information Commissioner's Office (ICO)

If Police Scotland refuses or delays your request past one calendar month:

- Submit a formal complaint to the ICO (the UK's data protection regulator) online at ico.org.uk.
- Highlight that Police Scotland is holding non-suspect personal details gathered during a mass containment operation in breach of

of Financial Compensation

Financial compensation (damages) is legally applicable under Scottish law across three distinct heads:

Data Protection Act 2018 (Section 169): Entitles individuals to financial compensation for distress or material loss caused by

Human Rights Act 1998 (Section 8): Scottish courts can award "just satisfaction" damages where a public authority has acted

Common Law Delict (Wrongful Detention): A civil claim against Police Scotland for false imprisonment/wrongful detention in

(Note: Claims under the Human Rights Act 1998 must generally be lodged within one year from the date of the incident.)

COMPLAINT ESCALATION PATHWAY



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DATA ERASURE DEMAND PATHWAY



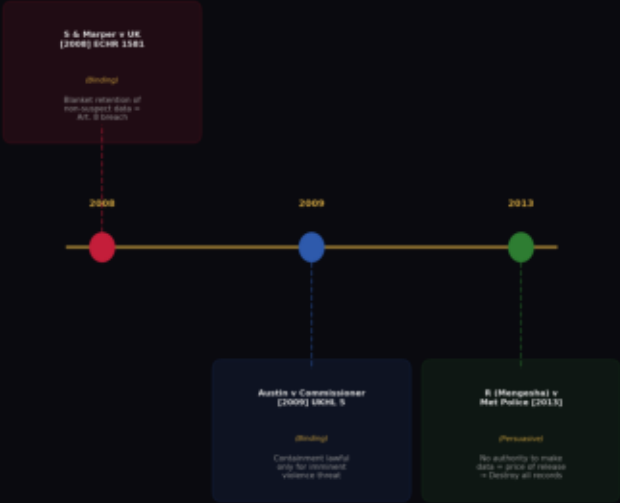
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ECHR BREACH ASSESSMENT MATRIX

ARTICLE	RIGHT	BREACH APPLIED
Art. 8	Right to Private & Family Life	Forced data collection under threat or detection → unlawful interference
Art. 5	Right to Liberty & Security	Containment extended for processing, not imminent threat
Art. 10	Freedom of Expression	Mandatory ID checks create chilling effect on journalism
Art. 11	Freedom of Assembly	Mass processing of peaceful participants → disproportionate

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BINDING & PERSUASIVE PRECEDENT TIMELINE



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LEGAL DOSSIER | OSWALD STREET CONTAINMENT | 25 JULY 2026

www.jaoc.org.uk

INCIDENT SUMMARY

Date:

Saturday, 25 July 2026

Location:

Oswald Street, Glasgow City Centre

Authority:

Police Scotland

Allegation:

Mass data collection as condition of release from containment

KEY FINDINGS

• 5.13 Criminal Procedure (Scotland) Act 1995:

Applied as mass requirement without individualised suspicion

• Article 5 ECHR: Containment extended for processing, not imminent threat

• Article 8 ECHR: Forced data collection under threat of detention

• Mengesha (2013): Data as "price of release" = unlawful

ECHR BREACH ASSESSMENT

ARTICLE	RIGHT	BREACH	PRECEDENT
Art. 8	Private & Family Life	Forced data collection under detention threat	S & Marper (2008)
Art. 5	Liberty & Security	Extended for processing, not imminent violence	Austin (2009) UKHL 9
Art. 10	Freedom of Expression	Mandatory ID checks / chat punishment	Mengesha (2013)

Art. 11

Freedom of Assembly

COMPLAINT PATHWAY

1

Police Scotland PSD

Online / 101 / Written to Tulliallan Castle

2

PIRC

If dissatisfied with PSD outcome

3

Judicial Review / Civil

HRA 1998 5.8 damages
Common law delict

DATA ERASURE DEMAND

Mengesha (2013)

S-47 DPA 2018

Request to DPO

Fettes Avenue, Edinburgh

dataprotection@scotland.police.uk

ARGUMENTS

• Unlawful collection (no 5.13 grounds)

• No active law enforcement purpose

• Cite: R (Mengesha) (2013)

ESCALATE

ICO complaint if refused or >1 month delay

ico.org.uk

FINANCIAL COMPENSATION HEADS

£

DPA 2018 5.169

Distress / material loss from unlawful data processing

£

HRA 1998 5.8

Full compensation for ONE YEAR of the incident date

⚠ HRA 1998 claims must be filed within 6 months of Art 5 & Art 8 breaches

£

Common Law Delict

False imprisonment / wrongful detention claim

KEY CONTACTS & ADDRESSES

• Police Scotland PSD:

Professional Standards Dept, Tulliallan Castle, Kincardine, FK10 4BE

• PIRC:

Police Investigation & Review Commissioner (Independent oversight)

• Police Scotland DPO:

Data Protection Officer, Fettes Avenue, Edinburgh, EH4 1RB

• ICO:

Information Commissioner's Office | ico.org.uk

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LEGAL DOSSIER | OSWALD STREET CONFINEMENT | 25 JULY 2026 | GLASGOW

www.jaoc.org.uk

INCIDENT SUMMARY

Date: Saturday, 25 July 2026

Location: Oswald Street, Glasgow City Centre

Authority: Police Scotland

Allegation: Mass data collection as condition of release from containment

KEY FINDINGS

- S.13 Criminal Procedure (Scotland) Act 1995 applied as mass requirement without individualised suspicion per person
- Article 5 ECHR: Containment extended for processing, not imminent threat
- Article 8 ECHR: Forced data collection under threat of continued detention
- *Mangeshka* (2013): Making data the "price of release" → unlawful exercise of power

SECTION 13 CRIMINAL PROCEDURE (SCOTLAND) ACT 1995 – STATUTORY SCOPE ANALYSIS

LAWFUL REQUIREMENT

- Officer must believe SPECIFIC person has info relating to an offence
- Must provide general nature of suspected offence
- Must explain WHY they believe THAT person holds info (S.13(3)(b))

VS

UNLAWFUL APPLICATION

- Mass requirement across entire contained crowd without individual basis
- No explanation of WHY each bystander holds material evidence
- Applied as blanket condition of release → the *Mangeshka* breach

ECHR BREACH ASSESSMENT MATRIX

ARTICLE	RIGHT PROTECTED	BREACH APPLIED	PRECEDENT
Art. 5	Right to Private & Family Life	Forced data collection under threat of continued detention	<i>S & Harper v UK</i> (2006) ECHR 1585
Art. 5	Right to Liberty & Security	Containment extended for processing, not imminent sentence	<i>Austin v Commissioner</i> (2006) UKHL 3
Art. 10	Freedom of Expression	Mandatory ID checks create chilling effect on journalism	<i>R (Mangeshka) v Met Police</i> (2013)
Art. 11	Freedom of Assembly	Mass processing of peaceful	<i>R (Mangeshka) v Met Police</i> (2013)

BINDING & PERSISTENT PRECEDENT TIMELINE

(2006) ECHR 1585

(2006) UKHL 3

(2013) EWHC 1685

COMPLAINT ESCALATION PATHWAY

1 Police Scotland PSD
Online portal / 101 / Twitter
Tulcan Centre, Kilmarnock, FK12 4BE

2 PIRC
Police Investigation & Review Commissioner
Independent oversight of respondent complaints

3 Judicial Review / Civil Claim
HRA 1998, S.6 damages
Common Law (2013) Police Impairment Act

DATA ERASING DEMAND PATHWAY

Requester: *R (Mangeshka) v Met Police*
Requester Officer: Felicia Aheron, Edinburgh, EH4 1PB
Email: dataprotection@scotland.police.uk

PROSECUTION
Not individualised S.13 grounds
• No active law enforcement purpose and no threat
• Case: *R (Mangeshka)* (2013) → initial request ordered

ESCALATE TO ICO
Information Commissioner's Office
If refused or >1 month delay | ico.org.uk

FINANCIAL COMPENSATION HEADS UNDER SCOTTISH LAW

£ DPA 2018 S.199
Distress or material loss from unlawful data processing

£ HRA 1998 S.6
"Satellite" damages for Art 5 & Art 8 breaches

£ Common Law Damages
Police Impairment / successful detention claim

TIME LIMIT: HRA 1998 claims must be lodged within ONE YEAR of the incident date (25 July 2026)

THE MANGESHA PRINCIPLE

Police have no lawful authority to make giving personal details, submitting to photographs, or undergoing checks the "PRICE OF RELEASE" from a police containment area for individuals not under arrest. → All collected data must be destroyed.

KEY CONTACTS & ADDRESSES

Police Scotland PSD:

Professional Standards Department, Tulcan Centre, Kilmarnock, FK12 4BE

PIRC:

Police Investigation & Review Commissioner (Independent oversight body for Scotland)

Police Scotland DPO:

Data Protection Officer, Information Management, Felicia Aheron, Edinburgh, EH4 1PB

ICO:

Information Commissioner's Office | Data-ico.org.uk

IMMEDIATE ACTION CHECKLIST

☐ Document your experience

Write a detailed account with times, officer numbers, and witness details

☐ Submit PSD complaint

Case: S.13 overreach, Art.5 unlawful detention, Art.8 privacy breach

☐ Submit S.47 DPA 2018 erasure request

To Police Scotland DPO → Demand deletion of all personal data, CAD logs, photos

☐ Dismiss the one year limit

HRA 1998 S.6 damages claim must be lodged by 25 July 2027

☐ Seek independent legal advice

Contact a solicitor specialising in human rights or civil actions against the police

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