

Our Ref: IM-FOI-2022-2516
Date: 20 December 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

1. How many complaints have been made to Police Scotland about the Scottish Government's handling of ferry contracts to Ferguson Marine over the last year?

2. What were the reasons behind Police Scotland not investigating any of the complaints?

3. If they have been looked at, why have they not been taken any further?

4. Is there any future plans to investigate the Scottish Government's handling of ferry contracts to Ferguson Marine?

Having considered your request in terms of the above Act, I would advise you that under Section 18 of the Freedom of Information (Scotland) Act 2002 (the Act), Police Scotland can neither confirm nor deny that it holds the information requested by you.

However, *if* the information was held by the Service, it would be considered exempt in terms of one or more of the exemptions detailed in Section 18 of the Act, which are listed below:

- Section 34(1) - Investigations
- Section 35(1) (a) & (b) - Law Enforcement

To disclose whether or not information was held would confirm whether or not the circumstances referred to were in some way known to Police Scotland.

If any information were held, it would be held for the purpose of an investigation and disclosure of such information would prejudice the prevention and detection of crime and the apprehension or prosecution of offenders.

This should not, however, be taken as conclusive evidence that the information you have requested exists or does not exist.

There remains ongoing scrutiny into the ferry contracts referred to in your request via the Public Audit Committee within the Scottish Parliament.

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I can confirm that, at this time, Police Scotland is not conducting an investigation into any criminality.

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.