| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1510  Responded to: 25 July 2025 |
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Your recent request for information is replicated below, together with our response.

## Please can you release any photos taken by Police Scotland in relation to the fatal fire at 1 Pleamuir Place, Cumbernauld in February 2024.

## The SFRS has released its report to the Caw family (see attached) but redacted photos on the basis they do not belong to the SFRS. I understand at least some of the redacted photos may have been taken by Police Scotland?

I can advise you that Police Scotland does not hold the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

To be of some assistance, images *may* have been taken by the Forensic Scene Examiner and you may wish to contact the Scottish Police Authority at the link below.

[Scottish Police Authority website | Scottish Police Authority](https://www.spa.police.uk/home)

## Please can you also release your investigation into the fire.

Daily reports, incident reports, sudden death report and statements are all held by Police Scotland, but I am refusing to provide those in terms of section 16(1) of the Act on the basis that the following exemptions apply:

Section 34(2)(b) - Investigations

Information is exempt where it is held for the purpose of an investigation, carried out with the aim of making a report to COPFS as respects the cause of death of a person.

The public interest overwhelmingly lies in protecting the integrity of the investigation of death and associated criminal justice procedures in place. We would also argue that it is essential to protect an individual’s right to privacy and expectation of confidentiality - even in death. There are processes in place, outwith FOI and the public nature of associated disclosures, to progress matters such as this.

Section 38(1)(b) - Personal Data

Personal data is defined in Article 4 of GDPR as: ‘Information relating to an identified or identifiable natural person […] who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’

Personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR.

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met.

The only potentially applicable condition is set out at Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

Whilst I accept that you may have a legitimate interest with regards the disclosure of investigation information, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s). On that basis, it is my view that disclosure of the information sought would be unlawful.

Section 39(1) - Health & Safety

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

Public Interest Test

Whilst I appreciate the reasons why you might wish this information; I must consider the wider implications of the release of such information under this Act as a release of sensitive information into the public domain.

I acknowledge that public awareness may favour disclosure and contributes towards public debate and the police handling of any enquiry.

Nevertheless, public interest also lies in protecting individuals’ right to privacy and honouring their expectation of confidentiality - even in death.

Disclosure may bring unwanted attention to bereaved families who may also suffer harm if sensitive or upsetting detail is disclosed publicly.

Information about investigations will only ever be disclosed by Police Scotland where there are overwhelming public interest considerations favouring disclosure.

I can find no corresponding argument supporting the disclosure of the requested details in the public domain within this response.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.