| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-0830Responded to: 22 April 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## I wish to make a Freedom of Information request regarding the death of a Swedish national, Annie Borjesson. She was found dead on Prestwick beach on Sunday 4th December 2005.

## Miss Borjesson's death was investigated at the time and has been the subject of a review.

## Please can you confirm if there is an ongoing live investigation of any sort being carried out by Police Scotland and if documents are held in relation to it. This may include information which is new as well as dating to a previous investigation.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the information sought.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) States that it holds the information,

(b) States that it is claiming an exemption,

(c) Specifies the exemption in question and

(d) States, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested.

The exemptions that I consider to be applicable to the information requested by you are as follows:

**Section 34(2) (b) (ii) – Investigations by Scottish public authorities**

Information is exempt information if held at any time by a Scottish public authority for the purposes of any other investigation being carried out – (ii) for the purpose of making a report to the procurator fiscal as respects, the cause of death of a person.

Consequently, the information requested falls within this class-based exemption.

This is a non-absolute exemption and requires the application of the public interest test**.**

**Section 39(1) – Health, safety and the environment**

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.

Whilst I appreciate the reasons why you might wish this information, I also have to consider the wider implications of the public release of such a document as a release of information under this Act is, essentially, a release of such sensitive information into the public domain.

This is a non-absolute exemption and requires the application of the public interest test.

**Public Interest Test**

It could be argued that disclosure of the requested information would provide accountability and satisfaction to the public that the investigation was conducted properly by the police service.

I would however contend that as the information was gathered for the purposes of an investigation, the interests of third parties would be affected and the information attracts multiple exemptions then the public interest test favours retention of the information requested.

Also, please note that an appeal was raised through the Scottish Information Commissioner Appeal to release this information which Police Scotland won.

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 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](http://www.itspublicknowledge.info/Appeal), by email 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.