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Our Ref: IM-FOI-2022-1637
Date: 15 August 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.

I am looking for information in relation to disclosure.

I want the number of cases and times when Police Scotland failed to disclose evidence to defence solicitors prior to a court date resulting in the court hearing to be rescheduled by the courts from January 2020- June 2022?

Did the police list a reason for why they failed to disclose evidence to a defence solicitor prior to a court date to enable them to prepare their client's defence? If yes, what were the reasons?

The number of times Police Scotland failed to disclose evidence to a court of law resulting in the case to be deferred, cancelled or indefinitely postponed between January 2020- June 2022?

Did the police list a reason for why they failed to disclose evidence to a court of law resulting in the case to be deferred, cancelled or indefinitely postponed? If yes, what were the reasons?

In response to your questions, I can advise you that disclosure of evidence to the defence is a role that the Crown Office and Prosecutor Fiscals Service (COPFS) carry out. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You can contact them via: foi@copfs.gsi.gov.uk

Should you require any further assistance please contact Information Management - Dundee at foidundee@scotland.police.uk quoting the reference number given.

If you 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.

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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.

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