

Our Ref: IM-FOI-2022-2268
Date: 16th November 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 writing a book on Rose West, which also features information on Fred West, as well as Catherine (Rena) Bernadette Costello.

I am looking at paedophile rings in the area at the time, as my research has shown there were a number of links to Fred, and also to parties the couple attended, in the 1960s. Also, any possible accomplices to Fred West's activities at the time.

As well as this, I am looking for any results for possible locations of victims. I know most have been built over now but was wondering if there any more sites.

I would also like any information on Fred West's brushes with the law, including the time he ran over a child in an ice-cream van.

Your request has been considered and in terms of section 18 of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information you have requested is held.

Section 18 provides that an authority does not have to confirm whether or not information is held where:

- if the information was held, it would be considered exempt from disclosure in terms of any of sections 28 to 35, 38, 39(1) or 41 of the Act; and
- disclosing whether or not information is held would be contrary to the public interest.

In this instance, if information was held it would be considered exempt in terms of:

- **Section 34(1)(a)(i) and 34(b) – Investigations by Scottish public authorities.**

Information is exempt information if it has at any time been held by a Scottish public authority for the purposes of an investigation which the authority has a duty to conduct to ascertain whether a person should be prosecuted for an offence or held at any time for the purposes of an investigation, which may lead to the authority deciding to make a report to the Procurator Fiscal to decide whether criminal proceedings should be implemented.

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Investigative information will only be released by Police Scotland by exception and only where there is an overwhelming public interest in disclosure which I do not think applies here. It is essential that information is disclosed in the correct manner to ensure that the potential for any future proceedings to be brought against an individual are put at risk.

Public Interest Test

In this instance it could be argued, it is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success. This is particularly true in investigations such as this. Therefore, accountability relating to the actions of the Service and our officers would favour disclosure of the information.

That said a decision for non-disclosure would follow consideration of any future investigations and the efficient and effective conduct of the service in relation to such investigations. Disclosure of the information you have requested would be detrimental to any future investigations.

The process of investigating crimes is an obligation placed by statute upon the police service. Information relating to investigations of any nature will rarely be disclosed under Freedom of Information legislation, and only when there is a very compelling public interest consideration supporting disclosure.

Therefore, the balance lies in withholding the information requested and accordingly, we have decided to maintain the exemption.

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

Should you require any further assistance please contact Information Management Dundee, 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.

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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