| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-1546Responded to: 08 July 2024 |
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Your recent request for information is replicated below, together with our response.

**1.Report drafted and submitted to Police Scotland by Les Brown (a former detective with Strathclyde Police) on behalf of Noreen and John Young (John, a former GP) about the abuse of pupils at Dollar Academy by Dr Jonanthan Quick (a former teacher and Boarding House Master at Dollar Academy) on or before Mar 2007 with**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. I can confirm that Police Scotland do not hold the report submitted by Les Brown.

**a.Statements of the 8 former Dollar Academy pupils who were abused by Mr Jonanthan Quick**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

**Section 34(1)(b) - Investigations**

Information is exempt information if it has at any time been held by Police Scotland for the purposes of an investigation which may lead to a decision to make a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted.

**Section 35(1)(a)&(b) - Law enforcement**

Disclosure would prejudice substantially the ability of the police to investigate and detect crime and would have a similar detrimental impact on the apprehension or prosecution of offenders.

**Section 39(1) - Health & Safety**

Disclosure would or would be likely to endanger the health or safety of an individual(s).

**Public Interest Test**

Public awareness would favour disclosure as it would contribute to the public debate surrounding the police handling of such an enquiry.

However, the efficient/ effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement.

Accordingly, at this time the public interest lies in protecting the integrity of investigative and criminal justice procedures by refusing to provide the information sought.

**Section 38(1)(b) - Personal Data**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

*‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one 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’*

Section 38(2A) of the Act provides that 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 which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’*

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, in particular where the data subject is a child’*

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

**b.Names and contact details of the 500 former pupils who had been taught by Mr Jonanthan Quick**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies, we do not hold the names and contact details of the 500 former pupils.

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.