| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-1014Responded to: 22 April 2025 |
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Your recent request for information is replicated below, together with our response.

## Information about a fatal Road Traffic Collision - 31/12/2024, Barrhead Rd, PaisleyStatus and/or outcome of Police investigation.

The investigation remains in progress with ongoing lines of enquiry.

## Copy of incident recording and/or report

A sudden death report 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(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.

* *Section 35(1)(a)&(b) - Law Enforcement*Information is exempt where it is assessed that disclosure would be likely to prejudice the detection of crime and apprehension and prosecution of offenders.

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 the report, 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.

## […] and crime reference number.

There is no crime reference number and section 17 of the Act therefore applies.

## Confirmation as to whether this matter has been referred to the PF and note of PF reference.

I can confirm this matter has been referred to the Crown Office and Procurator Fiscal Service (COPFS) and their reference is PA25000006. The Sudden Death Report reference is PSSKADH6C0125.

## Confirmation of the charges brought against the driver.

At present, no charges have been brought, and section 17 of the Act therefore applies.

## Confirmation of whether or not there is CCTV footage of this accident.

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act. Section 18 applies where the following two conditions are met:

* It would be contrary to the public interest to reveal whether the information is held.
Whilst we accept that you may have a particular business interest in being informed as to whether the information sought is held, the overwhelming public interest lies in protecting the integrity of investigations, particularly where those investigations remain in progress.
* If the information was held, it would be exempt from disclosure. In this instance, the exemptions articulated above would all apply.

**We would be obliged if you could confirm this information and retain this footage so that we may obtain a copy of it on conclusion of criminal proceedings.**

We cannot assist you with non-FOI matters.

You may wish to contact our Legal Services department:

[Contact Police Scotland - Police Scotland](https://www.scotland.police.uk/contact-us/)

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](https://www.foi.scot/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.