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Our Ref: IM-FOI-2022-1123  
Date: 13<sup>th</sup> June 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 would like to request under the Freedom of Information Act 2000, details concerning Thomas Watt Hamilton.**

**I would like to request a copy of the post mortem report of Thomas Watt Hamilton. The time frame would be on or around 13th March 1996.**

**I would also like to request the incident report/s concerning the Dunblane Massacre carried out by the above named Thomas Watt Hamilton on 13th March 1996.**

Following a clarification request as to the meaning on incident reports you confirmed the following:

**The incident report/s I am interested in is in regards to any and all injuries on the body of THOMAS WATT HAMILTON.**

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

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 exemption that I consider to be applicable to the information requested by you is:

### **Section 34(2)(b) – Investigations**

Section 34(2)(b) of the Act provides an exemption from disclosure in that information is exempt information if it has been held at any time by a Scottish public authority for the

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purposes of any other investigation being carried out by virtue of a duty to ascertain; or for the purpose of making a report to the procurator fiscal as respects the cause of death of a person.

### Public Interest Test

I do appreciate that there is a degree of interest in the release of the information you have requested in that it relates to one of the most high profile cases in Scotland.

However it is important to note that the information requested was obtained for the purposes of an investigation.

Even where such information is no longer part of an on-going investigation or for the purpose of a report to the Procurator Fiscal, it may not be released into the public domain. The police service must protect the integrity of the investigative process to ensure that information, or part thereof, in relation to an investigation past or present is not released into the public domain which could be used out of context. This remains relevant regardless of time passed.

Whilst it is appreciated this case is now over 25 years old and it may be of interest to the public to know more specific details regarding the circumstances surrounding the death of Thomas Watt Hamilton, it does not necessarily follow that we can disclose information relating to the investigation into the public domain.

It has always been the case that limited information regarding such incidents may be disclosed as part of an investigative strategy and decisions to disclose this information are taken by the Senior Investigating Officer (SIO) in consultation with the Crown Office and Procurator Fiscal Service (COPFS) at the time. Any such releases are undertaken with due care and consideration and are mindful to the potentially detrimental effects any associated media attention would bring to the family of the deceased.

In balancing these competing factors, I consider that the decision must fall in favour of preserving the confidentiality of information collated as part of an investigation into the Dunblane shooting, and to ensure the effective outcome of the investigation and continued relationship of trust between the police service and its partnership agencies which in this case is assessed to carry more weight than that of accountability.

Should you require any further assistance please contact Information Management 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.pnn.police.uk](mailto:foi@scotland.pnn.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.

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You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto: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.