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Our Ref.: IM-FOI-2022-2389
Date: 29th November 2022



Freedom of Information Request - Response

I refer to your recent correspondence seeking information about the death of a person.

In Scotland, the Crown Office and Procurator Fiscal Service (COPFS) have procedures in place to provide bereaved families with information about the death of their loved one.

Further details can be found in their [Family Liaison Charter](#) and [Guide for Bereaved Family Members](#) and you can contact them as follows:

enquiry@copfs.gov.uk

COPFS, 25 Chambers Street, Edinburgh, EH1 1LA

There are no equivalent Police Scotland procedures and therefore whether you specifically requested it or not, your enquiry is being progressed as an FOI request.

Any FOI response is a *public disclosure* and so it is not usually possible to disclose information about particular individuals or related investigations. Your identity, and any relationship you may have had to the deceased cannot be taken into account.

I appreciate that this response will be disappointing but in terms of section 18 of the Act, I am refusing to confirm or deny whether the information sought is held by Police Scotland.

The public interest overwhelmingly lies in protecting individuals' right to privacy and honouring their expectation of confidentiality. Furthermore, any information 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, is exempt from disclosure in terms of section 34(2)(b) of the Act.

Copies of Witness Statements

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, 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 personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals' right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

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- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested third party personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

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](#), 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](#) in seven days' time.