| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0796  Responded to: 31 March 2025 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## Your request for personal information (questions 1, 5, 6 and 7)

Your request is technically a Subject Access Request (SAR) and it will therefore be considered in terms of the Data Protection Act 2018/ GDPR as explained on our [website](http://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests).

Our Data Protection team will contact you separately in relation to your SAR.

Because you mentioned FOI in your request, we are required by law to provide this *additional* response in terms of the Freedom of Information (Scotland) Act 2002 specifically.

In terms of section 18 of that Act, I am therefore refusing to confirm or deny whether Police Scotland holds information about you.

The public interest overwhelmingly lies in protecting your right to privacy and your own personal data is exempt from disclosure in terms of the exemption at section 38(1)(a).

I understand that this response may be confusing in the circumstances, but I would stress that this is the response to your FOI request only - a SAR will be progressed separately.

**I need the police reports for the cannabis resin manufacturing seizure at Unit 8 Clydegrove Industrial Estate 14 Hamilton Street Clydebank G81 1LY**

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 considered exempt information if it has, at any time, been held by a Scottish public authority for the purposes of an investigation which may lead to a decision to report the circumstances to the Crown Office and Procurator Fiscal Service to enable a determination on whether criminal proceedings should be instigated.

This is a non-absolute exemption and requires the application of the public interest test.

## Public Interest Test

It is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success, therefore, accountability and transparency relating to the actions of Police Scotland and its officers would favour disclosure of the information.

That said, when the Freedom of Information Bill was considered by the Scottish Parliament, the then Lord Advocate stated that the exemptions detailed in section 34(1) were essential for an effective justice system.

Section 34 has no harm test, and information will be exempt from disclosure simply because it has, at some point, been held by an authority for any of these purposes listed.

Accordingly, I can find no public interest in the disclosure of the requested information.

However, to be of assistance the Crime report number is CR/0358908/15.

**I need the police and fire brigade reports and photos taken of the fire at the incident scene that was set up at G81 1LY**

In terms of section 17 of the Act, Police Scotland does not hold the above requested information.

By way of explanation, there was no crime recorded for this incident.

**I need the police to provide what every information that have on the Bank of Scotland's prosecution of [name redacted] in 1989**

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
* 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, if the information was held, sections 34(1) 35 (1) (a) & (b) and 38(1)(b) of the Act would apply insofar as you have requested informationwhich is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

In addition, to disclose whether or not information was held would confirm whether or not the circumstances referred to were in some way known to Police Scotland.

By way of further background, a public authority can refuse to confirm or deny whether it holds information, provided it is satisfied that revealing whether the information exists or is held would be contrary to the public interest. In such instances, it is recognised that harm exists even in confirming or denying in the public domain that the information is held.

In this instance, I believe it would be contrary to the public interest to reveal whether or not the information sought exists or is held.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@foi.scot) 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.