

Our Ref: IM-FOI-2022-2753
Date: 24 January 2023



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.

1. How much in total has the investigation cost, broken down to year if possible?

I can confirm that at the date of request the cost of this investigation was £81,044.93.

A breakdown by calendar year is provided in the table below:

Year	£
2014	38,397.70
2015	6,400.04
2016	12,298.94
2017	2,519.56
2018	2,506.27
2019	1,251.73
2020	60
2021	2,531.71
2022	14,302.03
2023	776.95
Total	81,044.93

2. Has all known information concerning the 'Blue envelope' been disclosed to the public, including the conversation Alistair had with his wife when he brought the envelope into the house? And, if not, why not?

3. Was, and to what extent, was Alistair's planning dispute with the Havelock Hotel investigated as a line of enquiry in the immediate days and weeks following his murder?

For ease of response, Q2 and Q3 have been answered together.

Having considered your request in terms of the above Act, I would advise you that under Section 18 of the Freedom of Information (Scotland) Act 2002 (the Act), Police Scotland can neither confirm nor deny that it holds the information requested by you.

However, *if* the information was held by the Service, it would be considered exempt in terms of one or more of the exemptions detailed in Section 18 of the Act, which are listed below:

Section 34(1) - Investigations

This provides an absolute exemption from disclosure in that 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

Modern-day policing is intelligence led and disclosure would enable those engaged in criminal activity to identify the focus of policing targets. Section 2(1) & (2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption

The process of investigating crimes is an obligation placed by statute upon the police service. There is no public interest in the release of information into the public domain that could compromise investigations.

Accordingly, if any information were held, it would be held for the purpose of an investigation and disclosure of such information would prejudice the prevention and detection of crime and the apprehension or prosecution of offenders.

This should not, however, be taken as conclusive evidence that the information you have requested exists or does not exist.

If you require further assistance or 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.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. You can apply [online](#), by email to 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.

OFFICIAL

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.