

Our Ref: IM-FOI-2022-2561
Date: 13 December 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.

In this instance, any information held in relation to an individual's death specifically or other information Police Scotland may hold about the deceased are not disclosable under the Act. As such, Sections 34(1) and 35(1)(a)&(b) of the Act have also been applied.

- Section 34(1) - Investigations
- Section 35(1) (a) & (b) - Law enforcement

In relation to information regarding allegations, anything of relevance would be held for the purpose an investigation which Police Scotland has a duty to conduct to ascertain whether or not an individual should be reported to COPFS for an offence. Disclosure of any 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.

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Should you require any further assistance please contact Information Management - Dundee 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 or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalrnarnock, 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.

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.

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