

Our Ref: IM-FOI-2022-0190  
Date: 15 February 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.

### Information relating to Deceased Individual

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. Please bear in mind that disclosures in terms of Freedom of Information legislation are public disclosures of information and the legislation is not therefore appropriate when it comes to particular personal matters/ specific investigations.

- 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, 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(2)(b), 34(1) and 35(1)(a)&(b) of the Act have been applied.

- Section 34(1), (2) (b) - Investigations
- Section 35(1) (a) & (b) - Law enforcement

In relation to information regarding the death, anything of relevance would be held for the purpose of making a report to the Crown Office and Procurator Fiscal Service as respects the cause of death of a person.

You may wish to contact the Crown Office and Procurator Fiscal Service for information. In particular, I would refer you to page 11 of this [document](#).

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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.

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](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. 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.

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