| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-2290Responded to: 25 August 2025 |
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Your recent request for information is replicated below, together with our response.

**Under the Freedom of Information (Scotland) Act 2002, I would like to request the following information regarding an incident that occurred on or around 2 November 2024 on Cowgate, Edinburgh, involving a fatality allegedly involving a pedestrian and a single-decker bus:**

**1. A copy of the incident report or summary from Police Scotland referencing this case (reportedly logged as incident number 3395).**

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(2)(b) – Investigations**

Information is exempt if it is held for the purpose of an investigation carried out for the purpose of making a report to the Procurator Fiscal as respects the cause of death of a person.

Whilst I accept that this investigation is of significant interest to the public, investigative materials will only ever be released where there are overwhelming public interest considerations for doing so.

This remains an ongoing enquiry and so on balance, I must conclude that the public interest lies in maintaining the exemption and refusing to provide the information sought.

**Section 39(1) - Health & Safety**

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

The exemptions above require the application of the public interest test.

**Public Interest Test**

Whilst I appreciate the reasons why you might wish this information, I also have to consider the wider implications of the public release of such a document as a release of information under this Act is, essentially, a release of such sensitive information into the public domain.

I wholly acknowledge that public awareness may favour disclosure as it would contribute to the public debate surrounding the police handling of the incident.

Nevertheless, the efficient and effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement.

Bereaved families may also suffer harm if sensitive or upsetting detail is disclosed publicly.

Information about investigations will only ever be disclosed by Police Scotland where there are overwhelming public interest considerations favouring disclosure.

I can find no corresponding argument in terms of placing this document in the public domain and accordingly it is assessed that the public interest lies firmly in refusing disclosure.

**Section 38(1)(b) - Personal Data**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

*‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’*

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is set out at Article 6(1)(f) which states:

*‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’*

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

**2. Details of any investigation undertaken into the incident, including but not limited to:**

**Whether any driver was interviewed or charged,**

**Any conclusions or updates as of the date of this request.**

**3. Any communications between Police Scotland and Lothian Buses (or any other bus operator) concerning the incident.**

**5. Any correspondence with the Crown Office & Procurator Fiscal Service (COPFS) related to this case.**

**6. Confirmation of the identity of the bus operator and vehicle registration (if available for release under FOISA exemptions).**

I can confirm Police Scotland have completed all enquiries and have passed all findings to COPFS for their consideration and final determination. Therefore, 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 exemption applies:

**Section 34(2)(b) – Investigations**

Information is exempt if it is held for the purpose of an investigation carried out for the purpose of making a report to the Procurator Fiscal as respects the cause of death of a person.

Whilst I accept that this investigation is of significant interest to the public, investigative materials will only ever be released where there are overwhelming public interest considerations for doing so.

This remains an ongoing enquiry and so on balance, I must conclude that the public interest lies in maintaining the exemption and refusing to provide the information sought.

**4. Confirmation of whether a Fatal Accident Inquiry (FAI) has been opened or is scheduled.**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies.

By way of explanation, there has been no communication with the Crown Office and Procurator Fiscal Service with regard to a potential Fatal Accident Inquiry.

**7. Confirmation or not as to whether the two gentlemen in the attached photo are police/government officers.**

The individuals in the photograph you attached are not Police Officers or Government Officials.

**8. Any public-facing conclusions, safety audits, or reviews resulting from this incident.**

The City of Edinburgh Council shared a report which was prepared for the Transport and Environment Committee meeting on 18th November 2024.

Police Scotland corresponded with City of Edinburgh Council regarding potential safety measures which could be put in place in the Cowgate following the incident, and this is outlined in the following report:

 [Agenda Supplement for Transport and Environment Committee - 18/11/2024](https://democracy.edinburgh.gov.uk/documents/b25455/Late%20Reports%2018th-Nov-2024%2010.00%20Transport%20and%20Environment%20Committee.pdf?T=9)

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](https://www.foi.scot/appeal), 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](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.