| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-0118Responded to: 05 February 2024 |
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I refer to your recent request for information about a deceased officer's service with Police Scotland.

**Questions 1, 7 & 8**

I am refusing to confirm or deny whether the personal 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 the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and their expectation of confidence as regards their information.
* If the information was held, it would be exempt from disclosure. In this instance, sections 39(1) of the Act applies insofar *as* disclosure would endanger the mental health of an individual.

**Questions 2, 3, 4, 5 & 6**

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 and details can be found in their [Family Liaison Charter](https://www.copfs.gov.uk/resources/publications/the-family-liaison-charter/) and [Guide for Bereaved Families](https://www.copfs.gov.uk/services/bereavement-support/guide-for-bereaved-family-members/).

You can contact them as follows: \_enquirypoint@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 - even in death.

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.

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](http://www.itspublicknowledge.info/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.