| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-1329Responded to: 13 May 2025 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

**Investigation - murder of Fawziyah Javed**

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(1)(b) - Investigations
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

Disclosure would prejudice substantially the prevention or detection of crime and the apprehension or prosecution of offenders.

* Section 39(1) - Health, safety and the environment

Disclosure would endanger the physical health and safety of police officers and members of the public.

Public awareness would favour a disclosure as it would contribute to the public debate surrounding murder investigations and the police handling of such enquiries.

Nevertheless, it cannot be in the public interest to release information that would prejudice law enforcement.
I appreciate that there is a public interest in relation to police investigations and, in particular, murder investigations. That said, it is essential that neither investigations nor the potential for proceedings to be brought against an individual are put at risk.
Accordingly, in this case 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.*

Whilst I accept that you may have a legitimate interest with regards the disclosure of the accident report, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s). On that basis, it is my view that disclosure of the information sought would be unlawful.

You may wish however to refer to refer to [Media enquiries to Police Scotland - Police Scotland](https://www.scotland.police.uk/contact-us/media-enquiries-and-filming-requests/)

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.