| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1922  Responded to: 17 July 2025 |
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Your recent request for information is replicated below, together with our response.

**I am writing to request information under the Freedom of Information (Scotland) Act 2002 regarding a serious road traffic incident which took place on Saturday, 10 May 2025, around 7.20pm, at the junction of School Brae and Hill Street, Dysart. The incident involved a 25-year-old male riding an electric skateboard.  
I would like to request the following information, to the extent it is available and disclosable under the Act:  
1. Any official findings or conclusions made so far regarding the cause or contributing factors of the crash.  
2. Whether any third parties (vehicles or pedestrians) were involved or suspected to have played a role in the incident.  
3. Any updates on the investigation’s status – for example, whether it has concluded or remains ongoing.  
4. Any information on the current condition or status of the injured individual.**

**Please refer to Police Scotland reference number 2594 of 12 May 2025 when processing this request**.

In terms of part 3, I can confirm enquiries and the investigation remains ongoing.

In terms of parts 1, 2 and 4, I can confirm 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
* Section 35(1)(a)&(b) – Law Enforcement
* Section 38(1)(b) – Personal Data.

**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**

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively and thereby prejudice substantially the prevention and detection of crime.

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

**Public Interest Test**

While it could be argued that disclosure would favour public interest as it would enhance scrutiny of decision-making processes and thereby improve accountability and participation. I would contend that the public interest in withholding the information outweighs the public interest in disclosing it.

The efficient/ effective conduct of the service and protecting the integrity of investigations favours retention of the information as it cannot be in the public interest to release information that would prejudice the Force’s future law enforcement.

**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 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, I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is considered that disclosure of the information sought would be unlawful.

This is an absolute exemption and does not require consideration of the public interest test.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@foi.scot) 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.