| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-2180Responded to: 14th September 2023 |
| --- | --- |

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

**To begin with, I should state that my request concerns the Northern Constabulary/Police Scotland investigations into the murder of Shamsuddin Mahmood at the Mumutaz Restaurant in Kirkwall on June 2, 1994.**

**I'm aware of an FOI exemption regarding law enforcement activity, but since the case closed with the conviction of Michael Alexander Ross at the Glasgow High Court in 2008, I'm hoping the information I seek is available.**

**I would like to request the following information in the form of a Freedom of Information (FOI) request:**

* **How many official complaints has Northern Constabulary/Police Scotland received in connection with its investigation into the murder of Shamsuddin Mahmood?**
* **In each instance, please supply the year in which the complaint was made, and also how it was responded to.**
* **Specifically, have any complaints been made internally (from within the police force) in connection with this investigation? If so how, many were made, and how were they resolved?**
* **Lastly, if the cost restriction permits, please supply copies of all complaints that have been submitted in connection with the murder investigation, as well as the responses they received.**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process this part of your request.

I am therefore refusing to provide the information sought in terms of section 16(4) of the Act, as section 12(1) - Excessive Cost of Compliance - applies.

To explain, the Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) outlines how we deal with complaints.

Allegations are recorded in accordance with the categories listed at appendices C and D but they are not otherwise searchable, for example by the nature of the case they may be connected to either generally or specifically.

All complaints received between June 1994 and the present date would require manual review for potential relevance.

It should also be noted that complaints data and related correspondence are subject to the Police Scotland [Records Retention Standard Operating Procedure (SOP).](https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.pdf)

Cases assessed to represent standard risk are routinely destroyed after 6 years and those assessed as high risk are routinely destroyed after 12 years.

Given the passage of time from the murder investigation to which you refer, it is possible that relevant files may no longer be held by Police Scotland, in accordance with the Records Retention SOP.

This is contingent on the date on which any relevant complaint was received and the associated risk level marked against those.

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.