| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1175  Responded to: 1 June 2023 |
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Your recent request for information is replicated below, together with our response.

## In reference to the threatening communications which were allegedly sent to Kevin Clancy after the Celtic vs. Rangers match on the 8th April ([link to your statement on Twitte](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FPoliceScotland%2Fstatus%2F1645753794687320064&data=05%7C01%7Cfoi%40scotland.police.uk%7Ce9cb775ef25e496b406208db4c0b33ad%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638187383218576417%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=5qCN8GowRc4D8qP%2B4APPV1q4N7PBo3OKbM62%2BS2BkAw%3D&reserved=0)r), please provide the following information:

## 1. The date the communications were reported by the SFA?

## 2. The total number of communications that were included in the report from the SFA

## 3. The total number of communications that were investigated by Police Scotland

## 4. The total number of cases relating to the report that were referred to the Crown Office and Procurator Fiscal Service for prosecution

The above requested information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which:

* states that it holds the information,
* states that it is claiming an exemption,
* specifies the exemption in question and
* states, if that would not be otherwise apparent, why the exemption applies.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

The exemption that I consider to be applicable to the information requested is:

## Section 34(1) (b) - Investigations

Section 34(1) (b) of the Act provides that 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.

The matter you are enquiring about is currently subject to a live police enquiry. Any disclosure under FOI legislation is a disclosure to the world at large and any information released at this time could jeopardise or prejudice the ongoing enquiry.

## Public Interest Test

I do appreciate that there is a degree of interest in the release of the information you have requested and that to do so would help inform public debate on policing in Scotland.

However it is essential that any release of information does not interfere or prejudice ongoing enquiries. To do so would put the enquiries at risk and to do so would be vastly against the public interest.

The balance lies in withholding the information requested at this time.

However it is essential that any release of information does not interfere or prejudice the ongoing public enquiry into this matter. To do so would put the proceedings at risk and to do so would be vastly against the public interest.

## 5. The total number of convictions relating to the report

I can advise you that Police Scotland does not hold the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the role of the police in Scotland, in relation to crimes and offences, is to investigate the circumstances and where sufficient evidence exists to then report the matter to the relevant Procurator Fiscal.

It is a matter for the Procurator Fiscal to decide on and to progress any prosecution through the courts. The disposal in relation to cases reported to the Procurator Fiscal is not routinely passed to the police.

By way of assistance, I have listed below contact details for the Crown Office and Procurator Fiscals Service who may be able to assist you in this matter:

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA or via http://www.copfs.gov.uk/

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](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) 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.