| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1139  Responded to: 01 May 2025 |
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Your recent request for information is replicated below, together with our response.

**Under FOI legislation i would like to know of any information related to James Dornan MSP's claims of receiving a sectarian email referencing "punch a f\*nian day" as was reported in the media;**

**And was apparently reported to Police Scotland in March 2018 or there abouts.**

**In particular can you address the following:**

**1/ Was there an investigation?**

Yes.

**2/ If there was an investigation, please can you release any and all information held on this that can be released under FOI legislation?**

**8/ Can you also provide any and all information which you may hold and is allowed to be released on this investigation and outcome under freedom of information legislation.**

I must advise,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 a Scottish public authority for the purposes of an investigation, conducted by the authority, which in the circumstances may lead to a decision by the authority to make a report to the procurator fiscal to enable it to be determined whether criminal proceedings should be instituted.

This exemption is non-absolute and requires the application of the public interest test.

**Public Interest Test**

It is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success, therefore, accountability and transparency relating to the actions of Police Scotland and its officers would favour disclosure of the information.

That said, when the Freedom of Information Bill was considered by the Scottish Parliament, the then Lord Advocate stated that the exemptions detailed in section 34(1) were essential for an effective justice system.

Section 34 has no harm test, and information will be exempt from disclosure simply because it has, at some point, been held by an authority for any of these purposes listed.

Accordingly, I can find no public interest in the disclosure of the requested information.

**3/ If there was an investigation, what was the outcome of this?**

Crimes in Scotland are recorded in accordance with the [Scottish Crime Recording Standard](https://www.scotland.police.uk/spa-media/p0nfjj2c/scottish-crime-recording-standard-crime-recording-and-counting-rules-april-2021.pdf?view=Standard) and crimes are reported as recorded or detected.

Detected crimes are those where an accused has been identified and there exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings.

This is an undetected crime.

**4/ If there was no investigation, why not?**

As per the answer provided to question 1, an investigation was conducted.

**5/ Was the email confirmed to have been sent by someone other than James Dornan?**

The originator of the email has not been traced.

**6/ Was the IP address found of the person claimed to have sent this? Was this traced to an are and or/person?**

**7/ If so, was the IP address out with the MSP James Dornans working office and/or outwith the Scottish parliament?**

No IP address was obtained.

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.