| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0903  Responded to: 29 May 2025 |
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Your recent request for information is replicated below, together with our response.

## 1.     Details of any follow-up actions or outcomes resulting from the meeting on 6 June 2024, including any action plans, directives, or progress reports related to decisions made at that meeting.

## 2.     Any internal communications or emails between senior officers in Police Scotland or between Police Scotland and the Scottish Government discussing or referencing the meeting on 6 June 2024, especially those that outline decisions, discussions, or next steps.

## 3.     Copies of documents exchanged or shared during or following the meeting, including briefings, memos, or reports that were used or created as a result of the meeting, particularly if these documents concern action items or developments arising from the meeting.

In relation to minutes and notes from the meeting on the 6 June 2024, in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, a search of our recording systems has not identified any relevant information.

In relation to any briefings generated as part of this meeting, we have looked at this in the widest sense and have attached a file containing 3 redacted e-mails. These e-mails do not necessarily constitute a briefing, however, there is a sentence within the e-mail dated 18 September 2024 which references the meeting on the 6 June 2024.

As you will note information has been redacted from all 3 emails. Section 16 of the Freedom of Information Act (Scotland) 2002 (the Act) requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) 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 as follows:

**Section 34(1) (a) (i) & (b) – Investigations by a Scottish public authority**

Information is considered exempt information if it has, at any time, been held by a Scottish public authority for the purposes of an investigation which may lead to a decision to report the circumstances to the Crown Office and Procurator Fiscal Service to enable a determination on whether criminal proceedings should be instigated and to determine whether a person should be prosecuted for an offence.

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

**Public Interest Test**

I appreciate there is an interest in the release of such information: however, this must be tempered against what is of interest to the public and what is in the public interest.

The Act does not define the public interest, however, it has been described as “something which is of serious concern and benefit to the public”, not merely something of individual interest. In other words, it serves the interests of the public.

It is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success. This is particularly true in investigations, 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.

In addition, 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.

The following exemption will also apply:

**Section 30(c) - Prejudice to the effective conduct of public affairs.**

It is assessed that disclosure would serve to disrupt the well-established processes which members of the public are encouraged to use when contacting Police Scotland and partner agencies, thus prejudicing our/their ability to effectively manage such contact appropriately.

Whilst there is a public interest in better informing the public as to the internal mechanisms used to contact us and partner agencies, this must be balanced with the need to ensure that the appropriate channels are used for contact and that internal mailboxes are not compromised in any way.

Persons who wish to contact the police should use the information published on our website: [Contact Police Scotland - Police Scotland](https://www.scotland.police.uk/contact-us/)

**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, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s).

Accordingly, it is my view that disclosure of the requested information would be unlawful.

## 4.     Confirmation of individuals involved in follow-up actions or decisions made as a result of the meeting, especially those working in the Specialist Crime Division or other relevant departments who were tasked with implementing outcomes from the meeting.

in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, we do not hold any information regarding this.

**A list of attendees, including any Scottish Government Ministers, MSPs, civil servants, or police officers present.**

I interpret your question to be a list of attendees at the meeting on 6 June 2024. I can advise this meeting was attended by Detective Chief Superintendent Paul Livingstone, Detective Inspector William Murdoch, a Detective Sergeant and Leads of Public Enquiry Sponsorship Teams Ms Annalena Winslow and Ms Karen McKeown.

In relation to the name of the detective sergeant I am refusing to provide this. Section 16 of the Freedom of Information Act (Scotland) 2002 (the Act) requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) 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 as follows:

**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, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s).

Accordingly, it is my view that disclosure of the requested information would be unlawful.

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.