

**OFFICIAL**

Our Ref: IM-FOI-2022-0934  
Date: 4 May 2022



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, the relevant parts of your correspondence are replicated below together with our response.

These parts of your correspondence have been extracted because they are appended with 'FOIR'.

For clarity, although you also append them with 'DSAR', these requests are not Subject Access Requests as you are not seeking access to your own, personal information.

On that basis, they have not been passed on to our Subject Access team.

### **[In relation to the death of a named individual]**

**FOIR/DSAR 1: We demand in good faith in trust for the COPFS, Falkirk PF, Police Scotland Stirling, Co-op FD, NHS FV CEO Medical Directors, DPO, GP Dr [name provided], including the Coroner office, Pathologists, officers, agents, constables, Doctors, Nurses, Executives, Directors, Trustees, MSP's to provide all internal and external electronic emails, recorded phone calls, all handwritten notes, all recorded certified registrations, all documentation all communications all agents officers instructions orders duties and performance from the 9th/04/2022 4:30 AM to the present Day 19/04/2022.**

**FOIR/DSAR 2: We demand in good faith in trust for all COPFS, agencies partners Lead DPO, to provide all the direct emails, phone numbers, full names and position held in said office of all persons involved in Our Mother [name provided] ongoing sudden death case in case of absence, neglect or dereliction of duty in the public and the family interest.**

**FOIR/DSAR 2: We demand in good faith in trust for the COPFS, PF and the Coroner to provide the appointed Autopsy venue, date, time and an estimated date for the final verifiable, certifiable cause of death inquiry results.**

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Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held  
Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals' right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information. Please bear in mind that disclosures in terms of Freedom of Information legislation are public disclosures of information and the legislation is not therefore appropriate when it comes to particular personal matters/ specific investigations.
- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act  
In this instance, section 34(2)(b) of the Act applies insofar as you have requested information which, if held, would be held for the purposes of an investigation for the purpose of making a report to the Crown Office and Procurator Fiscal Service as respects the cause of death of a person.

You may wish to contact the Crown Office and Procurator Fiscal Service for information:

[www.copfs.gov.uk/investigating-deaths/deaths](http://www.copfs.gov.uk/investigating-deaths/deaths)

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.pnn.police.uk](mailto:foi@scotland.pnn.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.