| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1881  Responded to: xx August 2023 |
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I refer to your recent correspondence stating that you are seeking correspondence information between departments within Police Scotland, Crown Office and Prosecution Service and the Insolvency Service regarding matters reported by yourself.

An FOI response is a *public disclosure* and so it is not usually possible to disclose information about particular individuals or related investigations.

In terms of section 18 of the Act, I am therefore refusing to confirm or deny whether the information sought is held by Police Scotland.

The public interest overwhelmingly lies in protecting individuals’ right to privacy and honouring their expectation of confidentiality. Furthermore, third party personal data - where it is assessed that disclosure would contravene the data protection principles as defined in the Act, is exempt from disclosure in terms of section 38(1)(b) of the Act.

I can further advise that Section 34(1)(b) – Investigations would also apply.

Information is exempt if it is held for the purposes of an investigation which in the circumstances may lead to a decision to report a matter to the Procurator Fiscal.

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

Public Interest Test

It could be argued that disclosure of the requested information would provide accountability and satisfaction to the public that the investigation was conducted properly by the police service.

I would however contend that as the information was gathered for the purposes of an investigation, the interests of third parties would be affected and the information attracts multiple exemptions then the public interest test favours retention of the information requested.

You may wish to apply for a Subject Access Request in relation to your own personal data held. Further information is available on our website: [Subject Access Requests - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests/)

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.