

## LETTER SENT BY E-MAIL ONLY

3 June 2025

FOI Ref 2025/26-014

### Request

Your request for information dated 14 May 2025 is copied below.

Please can you release all photos taken by the SPA in relation to the fatal fire at 1 Pleamuir Place, Cumbernauld in February 2024.

The SFRS has released its report to the [redacted] (see attached) but redacted photos on the basis they do not belong to the SFRS. I understand at least some of the redacted photos were taken by the SPA?

### Response

The Scottish Police Authority has considered your request under the Freedom of Information (Scotland) Act (FOISA).

The Authority can confirm that information relevant to your request is held. However, this information is considered exempt for the following reasons.

The information is held by SPA Forensic Services for the purpose of an investigation.<sup>1</sup> This exemption is "class-based". This means that the exemption applies if the information falls within a particular class of information. Unlike other exemptions we are not required to demonstrate that disclosure would cause harm. However, we are required to apply the public interest test.

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<sup>1</sup> This represents a notice in terms of Section 34(1)(a)(i) of the Freedom of Information (Scotland) Act 2002 - Information will be exempt from disclosure if at any time, it has been held by a Scottish public authority for the purposes of an investigation which the authority has a duty to conduct to ascertain whether a person should be prosecuted for an offence.

The Authority also considers that the release of some of the information would be likely to endanger the mental health of individuals.<sup>2</sup> This exemption requires application of the public interest test

### **Public Interest Test**

The public interest in favour of disclosure of the requested information:

- This would adhere to the basic principle of being open and transparent.

The public interest factors in favour of maintaining the exemption being:

- The information relates to an incident which has been subject to investigation. It is considered that the public interest has been served through an established fatal fire investigation process.
- The public interest lies in maintaining and protecting police and forensic investigation operations to be carried out effectively and securely.
- There is a significant public interest in protecting individuals' health and safety. Disclosure of information under FOISA is disclosure not only to the person making the request, but to the world at large. All responses are published to a Disclosure Log to support openness and transparency. It is likely that disclosure of some of the information held would cause distress to individuals and the public.
- The public interest lies in maintaining and protecting established routes for accessing SPA Forensic Services productions and information, such as the [Defence Access Policy](#).
- While we appreciate that you may have a specific interest in the information held, the Authority does not believe that the wider public interest test is met on this occasion.

Therefore, on balance, our conclusion is that maintaining the exemptions outweigh that of disclosure.

Information may be available by contacting Police Scotland - [Contact Police Scotland](#)

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<sup>2</sup> This represents a notice in terms of Section 39(1) of the Freedom of Information (Scotland) Act 2002. Information may be withheld if disclosure would, or would be likely to, endanger the physical or mental health or safety of an individual.

## Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email to [foi@spa.police.uk](mailto:foi@spa.police.uk) or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to [enquiries@foi.scot](mailto:enquiries@foi.scot) or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) in seven days' time.

Yours faithfully

**Scottish Police Authority**

