



## **LETTER SENT BY EMAIL ONLY**

15 May 2025

FOI Ref 2025/26-009R

### **Request**

On 3 April 2025 you made a request for information to the Scottish Police Authority. The details of the request included personal data and as such the request is not replicated below.

In response to your request the Authority advised that if the information existed and was held, it would be exempt, and that to reveal whether the information exists or is held would be contrary to the public interest.

On 25 April 2025 you asked the Authority to review this decision.

### **Response**

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

The decision has been reviewed by an independent reviewer who was not involved in the original decision-making process.

We can confirm that the original decision is upheld for the following reasons:

Section 18 of the Freedom of Information (Scotland) Act allows public authorities to refuse to confirm or deny whether they hold information in the following limited circumstances:

- a) a request has been made to the authority for information which may or may not be held by it;
- b) if the information existed and was held by the authority (and it need not be), it could give a refusal notice under section 16(1) of FOISA, on the basis that the information was exempt information by virtue of any of the exemptions in sections 28 to 35, 38, 39(1) or 41 of FOISA; and

- c) the authority considers that to reveal whether the information exists or is held by it would be contrary to the public interest.

Accordingly, the reviewer must establish whether the Authority is justified in stating that to reveal whether the information exists or is held would be contrary to the public interest. The reviewer must also establish whether, if the information existed and was held by the Authority, the Authority would be justified in refusing to disclose the information by virtue of any of the exemptions listed in section 18(1) and cited by the Authority.

The reviewer is satisfied that, if held, the data would be exempt under Sections 38(1)(b), 38(2)(a), 34(a) and 34(c) of the Act.

### **Public Interest Test**

The Authority appreciates that the murder of Mary McLaughlin is a case of interest to the public. To that end the Authority took part in a BBC documentary surrounding the detection of the case and disclosed material that it considered to be of interest.

However, the public interest test relates to the wider public interest and not material the public may be interested in.

On this occasion the Authority does not believe that the wider public interest test is met.

### **Right to Review**

If you remain dissatisfied, 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](#) after seven days.

Yours faithfully

**Scottish Police Authority**