

29 December 2009

Our Ref: 0802/09

Mr Mark Walker

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Dear Mr Walker

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0802/09

I refer to the request for access to information made under the terms of the Freedom of Information (Scotland) Act 2002 (hereinafter referred to as ‘the Act’) and the response dated 17 November 2009 from Lorna Grieve of the Freedom of Information (FOI) Unit. In accordance with the Act, the Review Panel (hereinafter referred to as ‘the Panel’) convened on 16 December 2009 to consider your request for a review of that decision.

In terms of Section 21(4)(a) of the Act, the Panel has upheld the original decision made without modification, confirming the application of **Section 18** of the Act with respect to

- **Section 34 – Investigations by a Scottish Public Authority**
- **Section 35 – Law Enforcement**

However, the Panel did consider that it would be useful to add that the Police (Scotland) (Regulations) 2004 state,

‘a member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of that member’s duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall not take an active part in politics’.

Moreover, police officers are held to account for their actions by the Police (Scotland) Act 1967 and the above Regulations, while each Force is held to account for investigating such matters appropriately by HMICS, and in some cases by the Police Complaints Commissioner for Scotland.

If, after receiving this Review Decision, you are not satisfied, you are entitled to make an application for decision to the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife FY16 9DS, telephone number 01334 464610.

Yours sincerely

Sheena Brennan
Disclosure Manager