

**NOT PROTECTIVELY MARKED**

4 November 2009

Your Ref:

Our Ref: 0804/2009

Robert Hastie

E-mail: request-19653-  
e40de14e@whatdotheyknow.com

Force Disclosure Unit  
Police Headquarters  
173 Pitt Street  
GLASGOW  
G2 4JS

Tel: 0141 435 1262

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Dear Mr Hastie

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0804/2009**

I refer to your request for information dated 7 October 2009, which was received by Strathclyde Police on that date.

In terms of Section 18 of the Freedom of Information (Scotland) Act 2002 (the Act) Strathclyde Police can neither confirm nor deny that it holds the information requested by you. However, if the information was held by the Force, it would be considered exempt in terms of one or more of the exemptions detailed in Section 18 of the Act, which are listed below:

- Section 34 – Investigations by a Scottish Public Authority

Section 18 of the Act also provides that there is no requirement on a public authority, when issuing a Refusal Notice in terms of Section 18, to state why the public interest in maintaining the exemption outweighs that in disclosure of the information; nor is there any requirement to state why the exemption applies in so far as that statement would disclose information which would itself be exempt information. **This should not, however, be taken as conclusive evidence that the information you have requested exists or does not exist.**

By way of further explanation, should the information you have requested exist, then it would be held by the force for the purpose of an investigation which Strathclyde Police has a duty to conduct to ascertain whether a person should be prosecuted for an offence, prosecuted for an offence is guilty of it or an investigation conducted by Strathclyde Police which in the circumstances may lead to a decision by Strathclyde Police to submit a report to the Procurator Fiscal.

**You should also note that a disclosure of information under the Act is not simply a disclosure to the person that requests it; rather, it is a public disclosure. As such, Strathclyde Police, in order to protect affected individuals, cannot, in the vast majority of circumstances, release information directly relating to criminal investigations under the Act.**

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I hope this information is helpful, however, if you are not satisfied with the way that your request has been dealt with, you are entitled in the first instance to request a review of the decision made by the force. Should you wish to request such a review, please write to the Disclosure Manager within 40 working days of receiving this letter.

If, after having been informed of the Review Panel's decision, you are still not satisfied then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. The Commissioner can be contacted the Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, Telephone: 01334 464610.

Should you require any further assistance concerning this matter, please do not hesitate to contact me directly on 0141 435 1262, quoting the reference number given.

Yours sincerely

Lorna Grieve  
Freedom of Information Officer

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