

Our Ref: FOI/405/11/js

Your Ref:

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www.grampian.police.uk

Date: 22 August 2011

LS Palmer

By Email

Dear LS Palmer,

FREEDOM OF INFORMATION REQUEST 405/11

I refer to your email of 22 July 2011, in which you requested information in terms of the Freedom of Information (Scotland) Act 2002.

You asked for details of whether named individuals gave evidence at the trial of Malcolm Webster and what their profession was.

The Force only holds information relating to Police Officers and Police staff. Therefore I cannot provide information relating to any of the persons employed by other bodies in terms of Section 17 (1) (b) of the Freedom of Information (Scotland) Act 2002 – Information Not Held.

In regard to the information held about Police staff and officers, this information is held, however, it is exempt from disclosure in terms of the following Section of the Act. Please consider this a refusal notice in terms of Section 16 of the Act.

Section 38(1) (b) - Personal Information: information concerning the actions of identifiable individuals are exempt from disclosure under the Act. You have requested that individual Officers and members of police staff be identified as persons who have evidence in a trial. This information constitutes the personal information of those Officers.

Personal data that relates to third parties, in this case, Grampian Police Officers, is exempt if disclosure would breach any of the principles in Schedule 1 of the Data Protection Act. The first principle requires that a condition in Schedule 2 of the Data Protection Act is satisfied in order to allow disclosure, however, in this instance, none of the conditions in Schedule 2 have been met, therefore the information cannot be disclosed, as it would be neither fair nor lawful to do so.

Please do not hesitate to contact me should you have any queries. However, if you are not satisfied with the way in which 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 proceed, please write to Iain Gray, Head of Information Disclosure Unit, Grampian Police, Woodhill House, Westburn Road, Aberdeen, AB16 5AB, within 40 working days of receiving this letter, stating clearly that you

request a review and the decisions you wish reviewed.

If, after having been informed of the review decision you are still not satisfied, you are entitled to apply to the Scottish Information Commissioner for a decision within six months of the date of the review response. Contact details are Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

Yours sincerely,

Mrs Jody McKenzie
Assistant Manager (Freedom of Information)