| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2797  Responded to: 28 November 2023 |
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Your recent request for information is replicated below, together with our response.

## I am looking for all communication gathered by PS and COPFS in relation to complaints filed against Derek Mackay from social media companies and any other platform or public authority from March to April 2020.

## And discussions relating to, including information in requests to social media companies and responses from March to April 2020.

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and the expectation of confidence that the public have in Police Scotland.

In this instance, if the information was held, sections 34(1) (b) and 38(1)(b) of the Act would apply insofar as you have requested informationwhich is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act. In addition, to disclose whether or not information was held would confirm whether or not the circumstances referred to were in some way known to Police Scotland.

If any information were held, it would be held for the purpose of an investigation and disclosure of such information would prejudice the prevention and detection of crime.

**This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.**

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.