| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1882  Responded to: 17th August 2023 |
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Your recent request for information is replicated below, together with our response.

## Please provide details of the outcome of Police Scotland's investigation into signs displayed at a demonstration held in Glasgow in January 2023 as documented here:

## <https://www.dailymail.co.uk/news/article-11664205/Police-investigate-decapitate-TERFs-sign-JK-Rowling-mocks-blindness-posing-politicians.html>

This information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

Section 34(1) (a) (i) & (ii) – Investigations by a Scottish public authority and proceedings arising out of such investigations

Information is exempt information if it is held by a Scottish public authority for the purposes of an investigation which the authority has a duty to conduct to ascertain whether a person or persons should be prosecuted for an offence or held at any time for the purposes of an investigation, which may lead to the authority deciding to make a report to the Procurator Fiscal to decide whether criminal proceedings should be implemented.

As with the other exemptions in section 34, there is no harm test in any of these exemptions: information will be exempt because this is still a live investigation.

This is a non-absolute exemption and requires the application of the public interest test.

**Public Interest Test**

I do appreciate there is interest in the release of such information, however, this must be tempered against what is of interest to the public and what is in the public interest. It is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success. This is particularly true in investigations.

Therefore, accountability and transparency relating to the actions of the Service and our officers would favour disclosure of the information.

That said, it is essential that information pertaining to investigations is disclosed at the correct time and the call for transparency cannot outweigh the importance of the police maintaining confidentiality regarding an investigation. Therefore, the balance lies in withholding the information requested.

## Please provide copies of any correspondence between Police Scotland and the offices of the following individuals which relates to the investigation of these signs.

## Kaukab Stewart MSP

## Kirsten Oswald MP

## Allison Thewliss MP

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

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 as regards their information.

- 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

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested *third party* personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

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.