| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-1429Responded to: 31 August 2023 |
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Your recent request for information is replicated below, together with our response.

## I am looking for the original police report and any documents/information relating to the Robert Taylor incident which took place on 9 November 1979 at Dechmont Law in which Robert claimed to have encountered a UFO.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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.

In this case, I believe the relevant exemptions are:

Section 34(1) Investigations.

Section 35(1)(b) – Law Enforcement.

Section 39(1) – Health, safety and the environment.

**Section 34(1)(b) Investigations**

Section 34(1)(b) of the Act provides an absolute exemption from disclosure in that information is exempt information if it has at any time been held by Police Scotland for the purposes of an investigation which could lead to a decision to make a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted.

Furthermore, during the investigation the police interview and obtain evidence from persons who can assist them. The co-operation of witnesses is vital to policing and witnesses assist in this process, in the belief that not only their identities, but also the information that they provide will remain confidential.

There is an understanding that any statements given, or other evidence obtained will not be disclosed to third parties other than during criminal proceedings.

Anything that undermines this expectation of confidentiality is likely to impact on the willingness of victims or witnesses to report matters to or assist the police.

This, in turn, would be likely to prejudice substantially the ability of the police to investigate and detect crime, and in turn would have a similar detrimental impact on the apprehension or prosecution of offenders, making the information exempt from disclosure in terms of Section 35(1)(a)&(b) Law Enforcement.

**Section 35(1)(a)&(b) Law Enforcement**

**Section 39(1) – Health, safety and the environment**

To disclose the information requested would prejudice substantially the ability of the police to investigate and detect crime and would have a similar detrimental impact on the apprehension or prosecution of offenders.

As noted above, if Police Scotland were prepared to release confidential statements or other evidence gathered as part of an investigation this would impact on the willingness of victims and witnesses to report matters or assist the police.

Non-co-operation of victims and witnesses due to those actions would have a significant detrimental effect on Police Scotland’s ability to investigate and detect crime, subsequently affecting our ability to apprehend or prosecute offenders. This would therefore have an impact on the personal safety of groups and individuals.

These are non-absolute exemptions and requires the application of the public interest test.

**Public Interest Test**

I appreciate that there is a degree of interest in the release of the information you have requested and that to do so would help inform public debate on policing in Scotland.

Public awareness would favour a disclosure as it would contribute to the public debate surrounding this investigation and the police handling of such an enquiry.

I would, however, contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that could prejudice law enforcement, or which is likely to have an adverse impact upon public safety.

Accordingly, at this time the public interest lies in protecting the integrity of investigative and criminal justice procedures by refusing to provide the information sought.

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 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 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.