| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2867  Responded to: 6 December 2024 |
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Your recent request for information is replicated below, together with our response.

## This request relates to the dismembered golden eagle found on a forestry track off the A81 near Loch Rusky, north east of Port of Monteith. The eagle was found at 11am on 30 July 2024. It was wrapped in a plastic bag and some body parts had been removed. On 5 November 2024 Police Scotland issued a press release asking for information. Reference number 1166 of 30/07/24 was given for anyone with information. Please provide information as follows:

## 1) What was the reason for the delay in Police Scotland requesting information, incident dated 30 July 2024, press release issued on 5 November 2024?

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the timing of press releases is an operational decision, and each case is dealt with on its own merit.

## 2) Has any information been received in relation to this incident?

## Can you indicate whether the satellite tag was missing?

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.

In this instance, if the information was held, sections 34(1) and 35(1)(a)&(b) of the Act would apply.

By way of background, a public authority can refuse to confirm or deny whether it holds information, provided it is satisfied that revealing whether the information exists or is held would be contrary to the public interest. In such instances, it is recognised that harm exists even in confirming or denying in the public domain that the information is held.

In this instance, I believe it would be contrary to the public interest to reveal whether or not the information sought exists or is held.

## 3) Is there a policy regarding the time scale for issue of request for information after a criminal offence has been committed? It is a known fact that the first 24 hours after a crime has occurred are the critical period for establishing details. In this case it took over 3 months.

## I can advise that Police Scotland does not hold the above requested information.

In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, there is no policy.

## 4) What body parts were removed in this case?

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the following exemptions apply:

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

Information is considered exempt information if it has, at any time, been held by a Scottish public authority for the purposes of an investigation which may lead to a decision to report the circumstances to the Crown Office and Procurator Fiscal Service to enable a determination on whether criminal proceedings should be instigated and to determine whether a person should be prosecuted for an offence.

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

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

It is incumbent on Police Scotland to prevent crime and detect offenders.

Release of the information requested would adversely impact on the operational effectiveness of the Service and would compromise any tactical advantage the police may have when dealing with crime.

Disclosure of this information would, or would be likely, to prejudice substantially the prevention or detection of crime.

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

**Public Interest Test**

Public awareness would favour disclosure as it would contribute to the public debate surrounding the police investigation.

I would, however, contend that the efficient/ effective conduct of the service favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement.

I appreciate that there is a public interest in relation to police investigations. That said, it is essential that neither the investigation nor the potential for proceedings to be brought against an individual(s) are put at risk.

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](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.