| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0664  Responded to: xx March 2024 |
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Your recent request for information is replicated below, together with our response.

I have slightly reordered the questions for ease:

## With regards to Operation Newlane, the investigation into the murder of Brian Low near Aberfeldy on February 17 2024:

## How many officers are involved in the investigation at the time of providing the information?

## How many witnesses have been spoken to?

1. How many messages/items have been uploaded via the public portal since it was launched - for reference, via this part of the portal:

[**Operation Newlane Portal**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmipp.police.uk%2FgetForms%2FSCOT24S04-PO1%2FSCOT24S04-PF1%3Ftoken%3D03AFcWeA7LOKwenciwihyNcwKzG6Dq5ZpcslyglPFu7bldbyejdJSjwcWEafI6odkdRSf-ZkM2VWu-ox4uAH4I3-Zpg4uFFiZDLYy4Ip4tzVtobP56-DssuvatFNFNJQqXVXuq379JPXoAIwg9QI8D9R7nfAf9rmMd8cZFdKCMvvC0R2VElG8pIMMDOvDRAeEs3GZIz7SGiJQwn6vN8qjxZZc0cBMhz9Fz7lRkQj44-BwxIa0IG3geif54ynO9_inogjv1tmtaeo5LovcaZGUhxlI-UtVqQ6-ehGdgR27HtF2b85GiBBdLpYfcc6f9Tw4i-qCYn0JOEN7LPV9gMNAp2AQqMGy-E4j7GUDzP9aqpIIJTDcLNNgmudB5o22JMCDYoYwGzueIqDYBNKJP4iATaMp9tch8_WoEYa3_6VH8HtVnb-US_3rGDHg-qqBape4KVZ-_Cd6UbPmVmuQx8ciBbvt-GLHaZstUpJkQeMsHAsAZ9NHWi7UNoJkVuilm1YauuwWo-uE1WNVTDpNxYssfSfitlb413jSGj7tl4WAPw7Abm8msVjUq2g4psHPcqcvne2npg2bUKb-sil45OzYpVYzOvjhsjS5eppVqjfkL5wN3zB2fq4zh6o0&data=05%7C02%7Cfoi%40scotland.police.uk%7Ccd40f3bcae314ce2937708dc3d1df489%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638452446064347456%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=lvAoxBT%2BahrV93h6n7k29BR7xbIKNp2IFhpAK73vGjI%3D&reserved=0)

## How many crime scenes have been established and what were their exact locations?

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the specific information requested at Q1 – Q4.

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.

I can confirm that Police Scotland holds the information that you have requested.

All of the information requested is held for the purposes of an investigation.

The exemptions that I consider to be applicable to the information requested by you are:

Section 34(1)(b) – Investigations

This 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 may lead to a decision to make a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted.

Section 35(1)(b) – Law Enforcement

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

In regard to Section 35(1)(a)(b) and 39(1), as per the above, release of this information would be likely to 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.

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

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

Nevertheless it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.

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

Accordingly, in this case it is assessed that the public interest lies firmly in refusing disclosure.

## How many people have been interviewed under caution?

In terms of section 18 of the Act, I am refusing to confirm or deny whether the information sought is held by Police Scotland as the public interest overwhelmingly lies in protecting the integrity of the investigation.

The exemptions outlined above would apply, were the information held:

Section 34(1)(b) - Investigations

Section 35(1)(a)&(b) - Law enforcement

Public Interest Test:

Public awareness would favour disclosure as it would contribute to the public debate surrounding the police handling of such an enquiry. I would, however, contend that the efficient/ effective conduct of the service favours non disclosure as it cannot be in the public interest to release information that would prejudice law enforcement.

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.

Please note, this explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.

To be of some assistance, the statement provides some general information which is publicly available.

[Renewed Police Scotland appeal following murder of Brian Low in Aberfeldy - Police Scotland](https://www.scotland.police.uk/what-s-happening/news/2024/march/renewed-appeal-following-murder-of-brian-low-in-aberfeldy/)

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.