| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0259  Responded to: 21 February 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

I am undertaking research into the life and unsolved murder of Kathleen Veitch.  
Kathleen was born on 24/4/1907 in Dollar, Clackmannanshire and was found murdered in Elie, Fife on 11/3/1968.

This is an unsolved murder so I am hoping that the paperwork still exists.  
This information is requested under the Freedom of Information Act.  
  
When was Kathleen reported missing?  
  
I’ve attached a newspaper cutting which verifies the evidence I have used to ask the following questions.  
  
The items missing, the key fob with St Christopher and the gold watch.  
  
Were these items recovered and if so where?  
  
The number on the key fob FS928, I did check that Wilmot Breeden were used on the Morris Minor.  
  
Was Kathleen’s car found and if so where? I have the registration numbers of the 2 vehicles she owned.  
  
Kathleen was reported as being found naked, there was some mention of clothing being found on the beach. Were these items from Kathleen’s body and were they all of her clothing, or were other items missing?  
  
When was the clothing found?  
  
If the key fob and gold watch were not recovered. In 2009 the BBC covered 32 pieces of jewellery found in Tobin’s house. The link to Sussex Police high resolution photos no longer works.  
  
Can you confirm that the St Christophers and ladies watches in the Tobin items did not include Kathleen’s. Obviously the numbers inside the watch back would make identification relatively easy.  
  
On the 27th February 1968 there was a report of a molestation at or near Ardross Farm. Was the perpetrator caught? If so was there any consideration of them in Kathleen’s murder?  
  
Given the initial suspect, William Allan was involved in a fatal accident before the discovery of Kathleen’s body. William Allan was not charged.  
  
What intrigued me was the fire at Elie Station on 22/6/68. Can you confirm that there was a full forensic sweep of that building after Kathleen’s body was found and before the fire?  
  
Assuming it was checked was anything found linking it to Kathleen’s murder?  
  
Due to this being an unresolved murder investigation I regret to inform you that your information request is considered to be exempt from disclosure. 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 below:

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

Section 34(1)(b) of the Act provides information is exempt from disclosure 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.

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

**Section 34(2) (b) (ii) – Investigations by Scottish public authorities**

Information is exempt information if held at any time by a Scottish public authority for the purposes of any other investigation being carried out – (ii) for the purpose of making a report to the procurator fiscal as respects, the cause of death of a person.

Consequently, the information requested falls within this class-based exemption.

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

**Section 38 (1) (b) – Personal Information**

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s).

To explain, the release of personal information, either directly or inadvertently is exempt under the Freedom of Information (Scotland) Act 2002. This is an absolute exemption and does not require the application of the public interest test.

**Public Interest Test**

The public interest test assesses, after taking full consideration of the circumstances, whether, the public interest is best served by disclosing or withholding the information requested. Whilst FOISA does not define the term “public interest’, it has been described as “something which is of serious concern and benefit to the public.” Furthermore, it has also been held that the public interest does not mean what is of interest to the public, but what is in the interest of the public, accordingly, this involves a balancing exercise.

I do appreciate that there is a degree of interest in the release of such information and as such it is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success. Therefore, accountability and transparency relating to the actions of the Service and our officers would favour disclosure of the information.

That said, a decision for non-disclosure would follow consideration of ongoing or likely criminal investigations and the efficient and effective conduct of the service in relation to such investigations. It is essential that information pertaining to investigations is disclosed at the correct time, where appropriate, to ensure that neither the investigation nor the potential for proceedings to be brought against an individual(s) are put at risk. Where a case has not yet come to a conclusion, the release of specific details could prejudice any future enquiries into the case and as a result, affect the administration of justice.

Further, it is my consideration that the release of the requested information, by means of a public disclosure, would have a detrimental effect on mental well-being to the families of the deceased or members of the public, who have not had closure after their tragic loss.

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.