| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1416  Responded to: 13th June 2023 |
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Your recent request for information is replicated below, together with our response.

**1. The exact circumstances of how and when Police Scotland came into possession of the government issued diary/journal of Scottish Government civil servant Michael McElhinney.**

The diary/journal was provided to Police Scotland as a production in February 2019. It was forwarded to the Crown Office and Procurator Fiscals Service (COPFS) and was then later returned to Police Scotland. Police Scotland then returned the diary/journal to the Scottish Government on 1st May 2020.

**2. Is Police Scotland currently in possession of this diary/journal? If not then what happened to it and what is its current status?**

As noted above, Police Scotland are no longer in possession of the diary/journal.

Police Scotland hold no information on its current status and as such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

**3. How did this diary/journal or a copy of it come into the possession of two named individuals who made use of its contents for their book? This would seem to suggest that someone at Police Scotland provided them with it.**

As noted above, the diary/journal was provided to Police Scotland as a production, sent to COPFS, returned to Police Scotland and then sent back to the Scottish Government. Police Scotland does not hold any information in regards to whether or how a copy was provided to the individuals named in your question. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

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.