| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0231  Responded to: xx February 2024 |
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Your recent request for information is replicated below, together with our response.

## By way of background, I should state that my Freedom of Information (FOI) request concerns the Northern Constabulary investigation into the murder of Shamsuddin Mahmood at the Mumutaz Indian Restaurant in Kirkwall on June 2, 1994, and a cold case review that was undertaken in 2006-7. I'm aware of an FOI exemption regarding law enforcement activity, but since the case closed with the conviction of Michael Ross for the crime at the Glasgow High Court in 2008, I'm hoping the information I seek is available.

## From reading a report on the case by the Scottish Criminal Cases Review Commission, I understand that a "policy file" was kept for the original investigation, recording "important strategic decisions taken by the inquiry team." This document has a reference of "HOLMES document D1." By way of the Freedom of Information Act (Scotland) 2002, I would like to request a copy of that "policy file."

## Likewise, if a similar record of strategic decisions was kept during the cold case review, I would like to request that too.

It has been estimated that to provide an up to date production register for this operation will exceed the £600 cost threshold defined in the Act.

The legislation requires a public authority to ensure that any documentation disclosed is both complete and accurate. Accordingly, the only methodology we could utilise for your request at this time is a manual check of every paper document in every box and as I’m sure you will appreciate any such task would be a huge undertaking.

On this occasion it is assessed that the cost of locating, retrieving and providing the information sought would take over 40 hours and be in excess of the £600 cost limit.

I am therefore refusing to provide the information sought in terms of section 16(4) of the Act, as section 12(1) - Excessive Cost of Compliance - applies.

On a more general note, I can advise you that significant work is ongoing to review and catalogue a significant amount of historic paper documents (in excess of 40 file boxes) which relate to this investigation.

Finally, please note that even were the cost implications not applicable for this and other similar requests, the impact of the release of this information into the public domain would have to be considered in terms of any other exemptions, for example Section 38(1)(b) - Personal Data, Section 34(1)(b) – Investigations etc..

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.