| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2512Responded to: xx October 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 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 would like to request some information about a Crimewatch UK television appeal that was aired in October 1994;** [**https://www.youtube.com/watch?v=w2lRmBupK9s**](https://www.youtube.com/watch?v=w2lRmBupK9s)

**The filming began in Orkney on the week beginning Monday, September 19, 1994, and the programme was aired on Thursday, October 6. It was produced by Michael Samuels.**

**Specifically, as I understand these are relevant to the Crimewatch appeal, I would like to request:**

1. **The documents with the following URN numbers: D240, D247, D267, D277, D291, D292, D298, D300, D303, D315, D325.**

I must first advise you that detailed checks have been undertaken for this response in order to accurately establish what material is held.

I can advise that documents labelled D291, D300, D315 and D325 are no longer held. 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.

In respect of documents D240, D247, D267, D292, D303 and D277, I can confirm that this information is held by Police Scotland in various forms, 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)(b) - Information is exempt information if it has at any time been held by a Scottish public authority for the purposes of an investigation, conducted by the authority, which in the circumstances may lead to a decision by the authority to make a report to the procurator fiscal to enable it to be determined whether criminal proceedings should be instituted.

## Public Interest Test

I appreciate there remains a degree of interest in the release of such information - however this must be tempered between what is of interest to the public and what is in the public interest.

It could be argued that disclosure of the requested information would provide accountability and satisfaction to the public and would contribute to any debate surrounding the police handling of the enquiry.

I would however contend that the information relates solely to a murder investigation, and any such information will only ever be disclosed by Police Scotland where there are overwhelming public interest considerations favouring disclosure.

I can find no corresponding argument in terms of placing further information in the public domain and accordingly it is assessed that the public interest lies firmly in refusing disclosure.

Section 38(1)(b) exemption (Personal Data) applies where it is assessed that disclosure of some related information would contravene the data protection principles as defined in the Act.

1. **I would also like to request any other reports, documentation, memoranda and correspondence (including attachments or appendixes to these) regarding the Crimewatch appeal. That is, including the initial considerations to use Crimewatch, the filming of the programme, its airing, and any results that arose from the programme.**

In respect of the question above, I am unable to provide you with the information you have requested, as to establish what is or isn’t held and collate as appropriate would prove too costly to do so within the context of the fee regulations.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, the HOLMES system used by Police Scotland has no facility which allows for the automatic retrieval of this level of detail. The only way to gather the requested information would be to carry out detailed research on HOLMES. An initial keyword search referencing ‘Crimewatch’ provides an initial return of 183 items where each will likely contain numerous documents and other material.

In order to first determine the nature of the information contained within those items each one would require to be read individually – based on experience it is estimated this task alone would exceed 40 hours of work.

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 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 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.