| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0107  Responded to: 24 January 2025 |
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Your recent request for information is replicated below, together with our response.

## Please provide me with all and any information contained within the statement given to the police by Mr XXXX XXXX in the course of the inquiry into the death of Mr Barry Wallace and listed in the HOLMES system as [S972]. I would expect this information to include the date and time when the statement was taken and the name(s) of any officers present and noting the statement.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, there is no way to provide the information requested without a manual search of file boxes of which there are 147 in relation to this case, an exercise which would greatly exceed the cost threshold set out within the Act.

Notwithstanding, I can advise you that statements taken from witnesses during criminal investigations are protected by privacy laws, outside of any associated criminal justice proceedings. It is therefore highly likely that the exemptions outlined at sections 34(1)(b) and 38(1)(b) of the Act would apply to any such information held by Police Scotland.

As you will be aware, FOI legislation is applicant blind and an applicant’s connection to the investigation enquired about is therefore irrelevant.

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.