| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1316  Responded to: xx May 2024 |
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Your recent request for information is replicated below, together with our response.

## James Low was a local gamekeeper who died earlier this year. [….] Can you please release to me any documentation you hold relating to his death and investigation?

I have interpreted your request to refer to the investigation into the murder of Brian Low near Aberfeldy on February 17, 2024.

The information sought is held by Police Scotland, 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) – Investigations

This provides an absolute exemption from disclosure in that information is exempt information 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.

Section 35(1)(a)&(b) – Law Enforcement

Section 39(1) – Health, safety and the environment

In regard to Section 35(1)(a)&(b) and 39(1), as per the above, release of this information would be likely to prejudice substantially the ability of the police to investigate and detect crime and would have a similar detrimental impact on the apprehension or prosecution of offenders.

These are non-absolute exemptions and requires the application of the public interest test:

Public awareness may favour a disclosure as it would contribute to the public debate surrounding a high profile murder investigation and the police handling of such an enquiry.

Nevertheless, it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.

I appreciate that there is a public interest in relation to police investigations and in particular murder investigations. That said, it is essential that neither investigations nor the potential for proceedings to be brought against an individual are put at risk.

Accordingly, in this case it is assessed that the public interest lies firmly in refusing disclosure.

To be of some assistance, the statement below provides some general information which is publicly available.

[Renewed Police Scotland appeal following murder of Brian Low in Aberfeldy - Police Scotland](https://www.scotland.police.uk/what-s-happening/news/2024/march/renewed-appeal-following-murder-of-brian-low-in-aberfeldy/)

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.