| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2240  Responded to: 26 September 2023 |
| --- | --- |

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

**Information regarding Pasha Restaurant 51 High Street, Kirkcaldy, KY11LL as they were selling alcohol illegally without a license. [ ] Licensing Officer was investigating this unlicensed premises we now know he should not of been involved as he only investigates licensed premises. [ ] also admits this in an email he only deals with licensed premises on 16th of March 2023.**

**I would like crime reference number**

**His report when he visited the restaurant**

**Date and time he visited**

**The name of the person he spoke to**

**We know he could not deal with this issue as it was not his remit so he should of passed onto police officers straight away as it is a crime to sell alcohol without a license. If he had done the correct procedure as he could not deal with it can we get this information below**

**What date did he pass our concerns onto the relevant parties to deal with this crime police officers/procurator fiscal?**

**If he did his procedure correctly what date and time did police officers attend the restaurant?**

**Shoulder numbers of the police officers that attended?**

**Police reference of the police officers visit?**

**Report from the police officers who attended?**

**Who did the police officers speak to?**

## We have proof from Fife Council that this is not his remit as he only deals with licensed premises and if he has done this off the record we are very concerned. We hope Police Scotland have a record of this criminal offence that Pasha Restaurant has committed as it is a very serious crime. We feel [ ] has disrupted a criminal investigation to benefit a business committing an offence.

## Any other information regarding investigation into the illegal sale of alcohol would be appreciated as this should all be on record?

An FOI response is a *public disclosure* and so it is not usually possible to disclose information about particular individuals, properties, or related investigations.

In terms of section 18 of the Act, I am therefore refusing to confirm or deny whether the information sought is held by Police Scotland.

The public interest overwhelmingly lies in protecting individuals’ right to privacy and honouring their expectation of confidentiality. Furthermore, third party personal data - where it is assessed that disclosure would contravene the data protection principles as defined in the Act, is exempt from disclosure in terms of section 38(1)(b) of the Act.

I can further advise that Section 34(1)(b) – Investigations would also apply.

Information is exempt if it is held for the purposes of an investigation which in the circumstances may lead to a decision to report a matter to the Procurator Fiscal.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

It could be argued that disclosure of the requested information would provide accountability and satisfaction to the public that the investigation was conducted properly by the police service.

I would however contend that as the information was gathered for the purposes of an investigation, the interests of third parties would be affected and the information attracts multiple exemptions then the public interest test favours retention of the information requested.

If you are directly involved in this matter, you may wish to consider applying for any information that we hold about you. Further information regarding submitting a Subject Access Request is available on our website: [Subject Access Requests - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests/)

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.