| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2192  Responded to: xx September 2023 |
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## Your recent request for information is replicated below, together with the response.

## I am seeking information about a John Doe (unidentified body discovery) that was investigated by your predecessor organisation, the Northern Constabulary, that you hold documentation in relation to.

## Information about the case can be found here: [https://locate.international/unidentified-bodies/durness-man/](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Flocate.international%2Funidentified-bodies%2Fdurness-man%2F&data=05%7C01%7Cfoi%40scotland.police.uk%7C022ff89f3a8d46b46b5808dba7acdfcb%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638288133158069458%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=PRPEiNNF8dIWw2T8A4dnC3pCrNrU8jxl35%2BvJnqo%2FPA%3D&reserved=0)

## Essentially, the body of a man was found in a white Renault at Sarsgrum in Kyle of Durness on August 29, 1982. He has never been identified and is known colloquially as ‘Durness Man’.

## Please provide all information you hold on file about Durness Man.

## And specifically, please answer these questions:

## What was the exact location the car was found? (Coordinates or a What3Words would be helpful).

## What was the car’s mileage?

## What exact kind of Renault 16 was it? (There are several versions – an L and a TL)

## Were any objects found in the car?

## Who owned the car at the time of the man’s death? One press report suggested someone else did. A subsequent press report indicated the deceased man did. The car had been sold a few weeks earlier. It’s possible the seller hadn’t completed the log book transfer and so was technically still the owner. (This is a really important detail in terms of the man’s journey to the scene of his death).

## When the car was sold in Bristol at the end of July/start of August 1982, was it sold by a company or an individual? If a company, what was the name?

## If the car was sold to someone other than the deceased, how did the deceased come to take possession of the car? For example, did the owner lend the car to him, was it taken without consent, or was it stolen?

I can advise you that in terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with a copy of the documents requested.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemptions that I consider to be applicable to the information requested by you are:

**Section 34(1)(b) and 34 (2)(b) – Investigations & Proceedings**

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. There are no time limitations in this respect and this is particularly pertinent where an ongoing missing person investigation will remain open until that person is traced.

Furthermore, any information held for the purpose of an investigation, carried out with the aim of making a report to COPFS as respects the cause of death of a person, is exempt from disclosure in terms of section 34(2)(b) of the Act.

**Section 35(1)(a)&(b) - Law enforcement**

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.

**Section 39(1) - Health & Safety**

Disclosure would or would be likely to endanger the health or safety of an individual(s).

**Public Interest Test**

Public awareness would favour disclosure as it would contribute to the public debate surrounding the police handling of such an enquiry.

I would, however, contend that the efficient/ effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement.

Accordingly, at this time the public interest lies in protecting the integrity of investigative and criminal justice procedures by refusing to provide the information sought.

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

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.