| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0732  Responded to: 11 April 2024 |
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Your recent request for information is replicated below, together with our response.

## I wish to make a Freedom of Information request. The request is regarding CCTV images obtained from Glasgow Prestwick Airport soon after 3rd December 2005. The images will have been obtained by Strathclyde Police investigating the death of Annie Borjesson who was found on Prestwick beach on the 4th December.

## In a recent BBC documentary, Body on the Beach, several freeze frame photos were shown. A sequence of three photos showed Miss Borjesson leaving the airport along the overhead tunnel among a group of four unknown people. Each of the photos were one second apart and at the beginning of the tunnel. As it takes approximately 20 seconds to cross the tunnel and leave the view of the camera there will be around 17 more photos of Miss Borjesson's last known movements.

## As Strathclyde Police stated they checked CCTV footage at the time, all images will have been saved for the investigation.

## My request is for all of the images showing Miss Borjesson at the airport including those showing her crossing the tunnel toward the station.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the information sought.

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.

The exemptions that I consider to be applicable to the information requested by you are as follows:

**Section 34(2) (b) (ii) – Investigations by Scottish public authorities**

Information is exempt information if held at any time by a Scottish public authority for the purposes of any other investigation being carried out – (ii) for the purpose of making a report to the procurator fiscal as respects, the cause of death of a person.

Consequently, the information requested falls within this class-based exemption.

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

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

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

Whilst I appreciate the reasons why you might wish this information, I also have to consider the wider implications of the public release of such a document as a release of information under this Act is, essentially, a release of such sensitive information into the public domain.

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 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.