



LETTER SENT BY E-MAIL ONLY

28 June 2024

2024/25-039

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 22 June, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

A spokesperson for Luke Mitchell is claiming that there were semen samples in a hidden forensic file, which were not tested past the confirmatory stage of identifying them as semen. She said these particular samples had no reference numbers, but were included in a list titled 'tests brought no results'. Can you confirm whether this is accurate, or at least are you able to confirm whether the absence of a reference number could indicate that testing of these particular samples did not move on to DNA testing/individualisation? I am aware that all sampled semen samples would have been tested for DNA, as you have helpfully explained - but could the absence of a reference number make a difference?

Are you also able to confirm whether a meeting took place between SPA and Luke Mitchell's representatives in 2023 where SPA offered to retest samples from the case?

Response

The Scottish Police Authority has considered your request and does not hold the information requested.¹

By means of explanation, all productions requested for forensic analysis by the Crown Office and Procurator Fiscal Service (COPFS), Police Scotland or the Police Investigations and Review Commissioner (PIRC) are

¹ This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

allocated a reference number. There are no samples requiring forensic analysis without a reference number. To find out more about [Forensic Services](#) please visit the website.

Regarding your second request, Forensic Services holds no information and are not aware of any meeting taking place between Forensic Services and Mr Mitchell's representatives.

To assist, please refer to Forensic Services [Defence Access Policy](#) that has been developed to ensure that defence agents and independent forensic science experts have consistent, fair and transparent access to productions and specific information held by the organisation.

Right to Review

If you are dissatisfied with the outcome, you can ask us to review our response. If you want us to carry out a review, please let us know within 40 working days. You must specify the reason for your dissatisfaction and submit your request to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

SPA Corporate Management