



LETTER SENT BY E-MAIL ONLY

23 January 2023

2023-003

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 9 January, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

Please provide all information held by the Scottish Police Authority (eg, correspondence with Police Scotland, Scottish Government legal directorate, or the Crown Office) related to the disposal/potential disposal of productions used in the prosecution of Luke Mitchell (HMA v Luke Mitchell, 2005). This request relates to the time period from January 1, 2021, to the date of responding to this request. The information I would like includes (but is not be restricted to) information related to an initial decision to dispose of productions in the case, and a subsequent decision to halt the disposal of productions.

Response

Your request for information has been considered and the Scottish Police Authority (SPA) is able to provide the following.

The Scottish Police Authority does not hold the information you have requested. Therefore, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

SPA Forensic Services do not have responsibility for the disposal or potential disposal of any productions. This function is undertaken by Police Scotland.

Information may be available by contacting Police Scotland. Information on how to make a request to Police Scotland is available at –

[Freedom of Information - Police Scotland](#)

Right to Review

If you are dissatisfied with the way in which your request has been dealt with you are entitled, in the first instance, to request a review of our actions and decisions

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@spa.police.uk or by post to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Scottish Police Authority Freedom of Information [Disclosure Log](#) in seven days' time.