



LETTER SENT BY E-MAIL ONLY

11 August 2023

2023/24-023

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 18 July and subsequent clarification received 27 July, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

We made a Freedom of Information request to Police Scotland. We enclose a copy of their [response dated 8 June 2023](#). It will be noted that in respect of question 2, we have been directed to the Scottish Police Authority for a response. We wonder whether you are in a position to disclose the information requested.

For reference, your request at question 2 relates to productions in the Luke Mitchell case/Jodie Jones murder, seeking specifically "any documentation with regard to previous examinations or results in relation to these productions. We would be grateful if you would confirm which of these productions have been examined previously".

Following a request for clarification made on 20 July, further information was received as part of correspondence dated 27 July, advising that this request related to a Productions Inventory which was provided on the same date.

Response

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

Whilst we aim to provide information wherever possible, having considered your request, we can inform you that we are unable to provide you with the information you have requested as it would prove too costly to do so within the context of the fee regulations.

The current cost threshold is £600 and we estimate that it would cost in excess of this amount to process your request. Therefore, this represents a refusal notice in terms of Section 12 of the Freedom of Information (Scotland) Act 2002 – Excessive Cost of Compliance.

To explain, the Authority which includes Forensic Services, was established in April 2013. The case in question is held on a legacy case management system which is not accessible and was not configured to record the description of individual productions. To provide the information you have requested would require checking and identifying these details in hard copy files. As per the inventory provided this could be over 2000 items that would need to be checked. In addition, not all of the examinations would have been done at the same legacy forensic lab but also other legacy forensic labs and / or other external forensic providers, so may not be recorded in the same manner.

The Authority has assessed that the £600 cost limit within the Act equates to 40 hours of work and so your request would exceed the cost threshold.

To assist, we would advise that this information would have been reported to the court at the time, which the defence legal team would have access to. A request for this information could be sought from the [Crown Office and Procurator Fiscal Service \(COPFS\)](#) using the following email address - foi@copfs.gov.uk

We would also add that SPA Forensic Services do not retain any of the items as due process is that items are returned to Police after examination.

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.

