



LETTER SENT BY E-MAIL ONLY

28 February 2023

2023-017

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 21 February, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

In relation to this report

<https://www.spa.police.uk/spa-media/jhslhqun/item-4-committee-and-oversight-chair-reports.pdf>

would it be possible please to see the report on "Operation Iona update"? (see p.14)

Response

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

The Operation Iona Update presented to the Legal Committee on 13 December is provided as **Attachment 1**.

Some of the information contained within this report is considered to be exempt under Section 36(2) Confidentiality - actionable breach of confidence. As this information was obtained in confidence from a third party and relates to ongoing litigation, disclosure would constitute an actionable breach of confidence as far as involved parties are concerned.

This exemption is absolute and therefore does not require the application of the public interest test.

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.

This paper is presented in line with SPA Corporate Governance Framework
Standing Orders Section 20(d)



**SCOTTISH POLICE
AUTHORITY**
ÙGH DARRAS POILIS NA H-ALBA

Agenda Item 10

Meeting	SPA Legal Committee
Date	13 December 2022
Location	Video Conference
Title of Paper	Operation Iona Update
Presented By	James Douglas, Legal Services Manager
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The Committee have asked that Legal Services provide an update report on Operation Iona.

This paper is presented in line with SPA Corporate Governance Framework Standing Orders Section 20(d)

Members are invited to discuss the contents of the paper.

This paper is presented in line with SPA Corporate Governance Framework Standing Orders Section 20(d)

1. BACKGROUND

1.1 The SPA Legal Committee has asked for an update report on Operation Iona. This paper will provide said update.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 As noted in the briefing paper of 14 March 2022, Mr Grier intimated Reclaiming Motions to Appeal the decision of Lord Tyre against both the Lord Advocate and the Chief Constable. The Reclaiming Motion was heard at a four day hearing commencing on 12 October 2022.

[REDACTED]

Judgement is still awaited.

2.2 [REDACTED]

2.3 Craig Whyte has raised an action against the Lord Advocate and the Chief Constable in the sum of £500,000. Police Scotland have instructed Messrs Ledingham Chalmers. The Summons has been lodged but the case has now been sisted [REDACTED]

3. FINANCIAL IMPLICATIONS

3.1 There are no further financial implications in this report.

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no further legal implications in this paper to those listed above.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper. There will be media interest in the forthcoming David Grier Appeal.

This paper is presented in line with SPA Corporate Governance Framework
Standing Orders Section 20(d)

There has been recent renewed media interest in the Craig Whyte case, notwithstanding the lack of progress in terms of the court action.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to discuss the contents of the paper.