



**Decision 055/2006 – Ms Sandra Uttley and the
Chief Constable of Central Scotland Police**

*Requests for information held by the Chief Constable of Central
Scotland Police relating to the incident at Dunblane Primary School
on 13 March 1996.*

**Applicant: Ms Sandra Uttley
Authority: Central Scotland Police
Case No: 200503069
Decision Date: 24 March 2006**

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
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Decision 055/2006 – Ms Sandra Uttley and the Chief Constable of Central Scotland Police

Request for information held by the Chief Constable of Central Scotland Police in relation to the incident at Dunblane Primary School on 13 March 1996 – withheld on the basis of section 25 – information otherwise accessible – section 38 personal information – Commissioner largely upheld decision to withhold information.

Facts

Ms Uttley has submitted a large number of separate information requests to the Chief Constable of Central Scotland Police (the Police) in relation to the incident at Dunblane Primary School (the school) on 13 March 1996, when 16 pupils and a teacher were killed by Thomas Hamilton. Ms Uttley believes that there are discrepancies in the evidence which was laid before the Cullen Inquiry into the shootings at Dunblane and, according to Ms Uttley, her information requests to the Police are aimed at clarifying the truth of what happened on that day.

This decision notice considers the following requests:

- whether Mr Taylor, the Headmaster of the school made an ordinary call or a 999 call on 13 March 1996;
- whether two bullet holes in a wall came from Thomas Hamilton's Browning 9mm handgun or his Smith & Wesson revolver;
- the time at which the first Police Officers arrived at the school on 13 March 1996;
- who told Malcolm Chisholm (Scene of Crime Officer and Ballistics Officer, Tayside Police) that the case of ammunition found at the school gym belonged to Thomas Hamilton and
- who accounted for moving the fourth gun that Thomas Hamilton had with him on 13 March 1996.



The Police provided some information to Ms Uttley in response to her requests, but withheld other information on the basis that it was otherwise accessible under section 25 of the Freedom of Information (Scotland) Act 2002 (FOISA).

The Police also argued that some of the information which Ms Uttley had requested was covered by the exemption in section 38(1)(b) (as read in conjunction with section 38(2)(a)(i)) of FOISA on the basis that the information was personal data and the release of the information would breach the data protection principles.

The decisions were upheld by the Police on review and Ms Uttley applied to the Commissioner for a decision.

Outcome

The Commissioner found that, in relation to four of Ms Uttley's information requests, the Police had complied with Part 1 of FOISA and that the Police had applied the exemption in section 25 correctly in withholding information from Ms Uttley on the basis that the information is held by the Keeper of the Records of Scotland (i.e. the National Archives of Scotland) and is made available by him for inspection and copying by members of the public on request.

The Commissioner found that the Police had wrongly applied the exemption under section 25 to two of Ms Uttley's requests.

The Commissioner also found that the Police had wrongly applied the exemption under section 38(1)(b) to one of Ms Uttley's requests.

The Commissioner requires the Police to disclose the name of the officer who advised Malcolm Chisholm that the ammunition case found at the gym hall of Dunblane Primary School belonged to Thomas Hamilton.

The Commissioner also requires the Police to disclose the name of the officer who spoke to moving the fourth gun as mentioned in the witness statements of two Police Constables who attended the scene.



Appeal

Should either Ms Uttley or the Police wish to appeal against this decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this notice.

Background

1. Ms Uttley made has made a large number of separate requests to the Police for information held by them relating to the incident at Dunblane Primary School on 13 March 1996. Five of these requests are considered in this decision notice.

Mr Taylor's phone call

2. On 15 September 2005, Ms Uttley submitted a request for information to the Police asking for information in relation to whether Mr Ron Taylor, the Headmaster of the school made an ordinary call or a 999 call on 13 March 1996.
3. The Police replied to Ms Uttley on 13 October 2005. The Police refused to provide this information on the basis that Ms Uttley had been asking the Police to provide an opinion on the accuracy of evidence provided by witnesses to the Cullen Inquiry, rather than making an information request under section 1 of FOISA.
4. Ms Uttley was dissatisfied with the response from the Police and so asked the Police to review their original decision of 13 October 2005. In doing so, Ms Uttley made it clear that she wanted the tape of the call made by Mr Taylor to be re-examined.
5. The Police issued its review decision on 1 November 2005. The Police upheld its decision to withhold the information from Ms Uttley and indicated that the information was being withheld under section 25 of FOISA on the basis that the information is otherwise accessible.



Bullet holes in the wall

6. On 15 September 2005, Ms Uttley asked the Police whether two bullet holes in the top wall of the gym came from Thomas Hamilton's Browning 9mm handgun or his Smith & Wesson revolver.
7. The Police responded to this request from Ms Uttley on 13 October 2005 but withheld the information on the basis that it is otherwise accessible under section 25 of FOISA.
8. Ms Uttley was dissatisfied with the response from the Police and asked the Police to review its decision on 13 October 2005.
9. The Police issued its review decision on 2 November 2005. The Police upheld its decision to withhold the information from Ms Uttley under section 25 of FOISA on the basis that the information is otherwise accessible.
10. It should be noted that twice during the correspondence about the bullets, Ms Uttley attempted to clarify her information request. However, I find that the attempts at clarification were in fact new information requests. Although the Police responded to these additional requests, I am not required to consider them further, given that no request for review was made in relation to them.

Arrival of Police Officers at the school

11. On 16 September 2005, Ms Uttley submitted a request for information to the Police, asking for the time at which the first Police Officers arrived at the school on 13 March 1996.
12. The Police replied to Ms Uttley on 13 October 2005. The information was withheld from Ms Uttley on the basis of section 25 of FOISA.
13. Ms Uttley was dissatisfied with the response from the Police and asked the Police to review its decision on 13 October 2005.
14. The Police issued its review decision on 1 November 2005. The Police upheld its decision to withhold the information from Ms Uttley under section 25 of FOISA on the basis that the information is otherwise accessible.

Ammunition case

15. On 15 September 2005, Ms Uttley asked the Police who told Malcolm Chisholm that the case of ammunition found at the school gym belonged to Thomas Hamilton.
16. The Police replied to Ms Uttley on 13 October 2005. The information was withheld from Ms Uttley on the basis that the information was accessible in the National Archives of Scotland.



17. Ms Uttley was dissatisfied with the response from the Police and asked the Police to review its decision on 13 October 2005.
18. The Police issued its review decision on 1 November 2005. The Police upheld its decision to withhold the information from Ms Uttley on the basis that the information is otherwise accessible under section 25 of FOISA. The Police also advised Ms Uttley that the identities of the individuals who were first on the scene after the incident and whose statements are available for inspection in the National Archives of Scotland is exempt information in terms of section 38 of FOISA as it is personal information.

Thomas Hamilton's fourth gun

19. On 16 September 2005, Ms Uttley asked the Police who had accounted for the third gun and the fourth gun that Thomas Hamilton had with him on 13 March 1996 (the subject of the request was later narrowed to deal with the fourth gun only).
20. The Police replied to Ms Uttley on 13 October 2005. In its reply, the Police gave Ms Uttley details of the history of Thomas Hamilton's ownership of the guns concerned and advised Ms Uttley that this information and that of the discovery of the guns by the Police Officers in the gym is available through the National Archives of Scotland.
21. Ms Uttley was dissatisfied with the response from the Police and asked the Police to review its decision on 13 October 2005.
22. The Police issued its review decision on 1 November 2005. In its reply the Police upheld its decision that the information is otherwise accessible in terms of section 25 of FOISA. The Police also stated it was relying on the exemption in section 38 (personal information) of FOISA in relation to the names of the witnesses and anyone accounting for the third gun having been redacted from the documents that are in the National Archives of Scotland.

Applications

23. On 4th, 7th and 10th November 2005, I received applications from Ms Uttley for a decision on each of the five separate information requests which she made to the Police. The cases were subsequently allocated to an investigating officer within my Office.



The Investigation

24. Ms Uttley's appeals were validated by establishing that she had made valid information requests to a Scottish public authority under FOISA (i.e. the Police) and had appealed to me only after asking the Police to respond to her requests.
25. It was agreed with Ms Uttley that all five of her applications would be conjoined and that one decision notice would be issued for all five.
26. A letter was sent by the investigating officer to the Police on 22 November 2005, asking for its comments on Ms Uttley's applications in terms of section 49(3) of FOISA. The Police were asked to provide:
 - A copy of the information withheld, apart from any information which is held by the National Archives of Scotland.
 - An explanation of why information was not disclosed by the Police to Ms Uttley.
 - An analysis of any exemptions relied upon under FOISA by the Police in not disclosing the information to Ms Uttley and an explanation of why the exemptions were relied upon.
 - An analysis of the public interest test if applicable.
 - Other information to allow the Investigating Officer to carry out the investigation.
27. A full response was received from the Police on 16 December 2005.

Submissions from the Police

28. In its submissions, the Police cited the following exemptions under FOISA to justify withholding the information:
 - Section 25: information otherwise accessible
 - Section 38(1)(b): personal InformationI will consider the Police's reasoning for relying on each exemption further in the section on Analysis and Findings below.



29. In its submissions to my Office, the Police advised that the information which Ms Uttley sought was, in the main, information which was otherwise accessible. However, where this was not the case, the Police advised that they had provided Ms Uttley with copies of the relevant documents.

The Commissioner's Analysis and Findings

30. Ms Uttley has made five separate requests for information to the Police concerning the incident which occurred on 13 March 1996 at Dunblane Primary School. This incident resulted in a public inquiry being held (the Cullen Inquiry) to find out what had happened and what steps could be taken to avoid a similar incident in future.
31. During the investigation, the Police provided copies of some of the documents withheld from Ms Uttley, together with an explanation of the exemptions that it relied on in not disclosing this information to Ms Uttley.
32. The Police provided my Office with copies of witness statements which were taken from Police Officers, ambulance staff and civilians who attended the school after the incident. The Police also provided copies of witness statements taken from members of staff from the school, who were involved in dealing with the aftermath of the incident on 13 March 1996. The Police relied on the exemptions in section 25 and in section 38(1)(b) for withholding the information.
33. The exemption contained in section 25 of FOISA states that information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information. This is the case even if payment is required to be made in order to access the information. Information is taken to be reasonably obtainable if the Keeper of the Records of Scotland (i.e. the National Archives of Scotland) holds it and makes it available for inspection and (in so far as practicable) for copying by, members of the public on request, whether free of charge or on payment. The exemption under section 25 is an absolute exemption, which means that where a public authority considers that the information requested falls within the scope of this exemption, then it is not required to consider the public interest test in the disclosure, or otherwise, of the information.



34. The exemption under section 38 relates to personal information. Section 38(1)(b) of FOISA, read in conjunction with section 38(2)(a)(i), exempts information if it constitutes personal data the release of which would breach any of the data protection principles. This particular exemption is also an absolute exemption and where a public authority considers that information falls within the scope of this exemption, it is not required to consider the public interest test in the disclosure, or otherwise, of the information.

The application of section 25 – information otherwise accessible

35. In order for a public authority to be able to rely on this exemption, it would have to show that the information which the applicant is seeking is reasonably obtainable by means other than by requesting it under section 1(1) of FOISA. Section 25(2) provides an explanation of what is deemed to be reasonably obtainable. The relevant section here is section 25(2)(b)(ii), which states that where the Keeper of the Records of Scotland holds the information and makes it available for inspection and (in so far as practicable) copying by members of the public on request, whether free of charge or on payment, then the information is to be taken to be reasonably obtainable.
36. In its submissions, the Police indicated that it made all the information it had gathered about the incident at Dunblane Primary School on 13 March 1996 available to the Cullen Inquiry. At the time of the Inquiry, it was decided that all of the documents which had been submitted to the Inquiry would be subject to a 100 year closure order. The effect of this order was that the documents could not be viewed or accessed by the public for 100 years unless they were given permission to do so by the Lord Advocate.
37. A commitment was made by the Lord Advocate, Colin Boyd QC in March 2003 to review all of the material that was subject to the 100 year closure order and to determine if any of the documents could be released to the public. In September 2005, the Lord Advocate confirmed that he had reviewed the documents that had been submitted to the Cullen Inquiry in 1996 and that he had decided that, while the 100 year closure order would remain in place with regard to four specific files of documents, the remaining documents which had been submitted to the Cullen Inquiry would be made available to the public. In doing this, the Lord Advocate acknowledged that there was considerable public interest in the evidence to the Inquiry and, as such, the documents from which the closure order had been lifted were to be made available to the public at the National Archives of Scotland in a redacted form from 3 October 2005.
38. The documents which have been made available in the National Archives of Scotland have had all names or other information which would lead to the identification of individuals removed to protect the families involved and to comply with the data protection.



39. In its submissions to my Office, the Police advised that the information deposited in the National Archives of Scotland relating to the Dunblane incident comprises not only the transcripts of evidence given to the Cullen Inquiry over 26 days but also 3,443 individual items of information totalling 11.17 linear metres of records gathered by the Police in the course of their investigations and made available to the Inquiry.
40. In response to the requests which Ms Uttley made to the Police for various pieces of information, the Police referred Ms Uttley to information which is held by the National Archives of Scotland and also to information which is available on line via the Scottish Executive website. The Police sought to rely on the exemption under section 25 in respect of all five of Ms Uttley's requests to them.
41. In submissions to my Office, the Police indicated that, in respect of the first request made by Ms Uttley (Mr Taylor's telephone call), evidence from the Police and from Mr Taylor to the Inquiry is available online at www.scotland.gov.uk/library3/justice/dunblane/dunblane-00.asp or in hard copy at the National Archives of Scotland.
42. The Police also submitted that they are aware that the telephone call from Mr Taylor was recorded at the time and that the tape was registered as a production. However it has not been located. The Police go on to state that there is no evidence that a transcript of the tape has been made. In its submissions to my Office, the Police indicated that a thorough examination was carried out of the area in which all the material relating to the Dunblane incident is held and this failed to locate the tape of the call made by Mr Taylor. The Police submitted that a search was also made of the database used by the Police in order to ascertain if a transcript of the call had been made, but again no transcript was found. I am satisfied that this tape is no longer held by the Police.
43. In relation to the second request made by Ms Uttley (bullet holes in the wall), the Police submitted that all of the information they hold in respect of this request was lodged with the Cullen Inquiry and was made available to those represented at the Inquiry. The Police also advise that the evidence of Mr Malcolm Chisholm, Scene of Crime Officer is available in the National Archives of Scotland. The Police have already provided Ms Uttley with the catalogue references for the statements and supporting diagrams from Malcolm Chisholm.



44. In respect of the third request made by Ms Uttley (arrival of Police Officers at the school), the Police submit that this information is contained in the statement of PC Edward Goldie, which is available online at www.scotland.gov.uk/library3/justice/dunblane/dunblane-00.asp or in hard copy at the National Archives of Scotland. The Police also indicated that the witness statement of PC James Sneddon is also available in redacted form in the National Archives of Scotland. The Police commented that the witness statements from PC's Goldie and Sneddon do not add anything to the evidence which was presented by PC Goldie at the Cullen Inquiry in terms of the time of arrival.
45. In its submissions concerning the fourth request made by Ms Uttley (the ammunition case), the Police has submitted that the evidence of Mr Chisholm, Scene of Crime Officer and of the individuals who were first on the scene after the incident is accessible in the National Archives of Scotland. The Police also relied on the exemption contained in section 38 of FOISA in relation Ms Uttley's fourth request; this will be examined later.
46. In relation to Ms Uttley's fifth request (Thomas Hamilton's fourth gun), the Police submit that all endeavours on their part to establish who the person was who accounted for moving the fourth gun had failed, which was why the Senior Investigating Officer gave such evidence to the Inquiry. The Police submit that nothing has subsequently come to light to explain who could account for moving the fourth gun and that they are not aware of any evidence which would directly answer Ms Uttley's question. However, I note that in an attempt to assist Ms Uttley to understand the amount of movement by the large number of individuals at the scene of the incident prior to it becoming an official crime scene, the Police referred Ms Uttley to the information available in the National Archives of Scotland. The Police state that the transcripts of evidence given at the Inquiry and the witness statements of those present in the gym in the immediate aftermath of the incident are available in the National Archives of Scotland.
47. However, I note that there is a reference in the statements from both PC's Sneddon and Goldie to the removal of the fourth handgun from around Thomas Hamilton's body. As mentioned above, these statements are available in a redacted format from the National Archives of Scotland, and the Police have already referred Ms Uttley to the statements. However, the reference to who moved the fourth handgun has been redacted in the version of the statements held by the National Archives of Scotland. I will therefore consider the effect of this redaction in more detail below.



48. I accept the submissions from the Police that the information which it holds which would answer the first, second and third of Ms Uttley's information requests is available either from the National Archives of Scotland or on-line on the Scottish Executive website. I am satisfied that the information requested by Ms Uttley in relation to the first, second and third requests is information which Ms Uttley can reasonably obtain other than by requesting it under section 1(1) and that the information is therefore exempt in terms of section 25 of FOISA.
49. I note that, in her submissions to my Office, Ms Uttley has indicated that it would not be convenient for her to travel to Edinburgh to read the documents held in the National Archives of Scotland. However, according to section 25(2)(b)(ii) of FOISA, information is to be taken to be reasonably obtainable if the Keeper of the Records of Scotland holds the information and makes it available for inspection and (in so far as practicable) copying by members of the public on request. I am satisfied that the tests in section 25(2)(b)(ii) apply to the information in question. As such, the information is deemed to be reasonably obtainable and I am unable to take Ms Uttley's circumstances into account.
50. I am not satisfied, however, that the information which the Police has withheld from Ms Uttley in terms of her fourth information request (the ammunition case) is exempt under section 25. Ms Uttley wanted to know who had informed Malcolm Chisholm that the ammunition case belonged to Thomas Hamilton. However, the name of the person who told Mr Chisholm about the ammunition case has been redacted from the version of Mr Chisholm's statement available in the National Archives of Scotland and is not, therefore, otherwise accessible in terms of section 25 of FOISA.
51. I am also not satisfied that the information which the Police has withheld from Ms Uttley in terms of her fifth request (the movement of the fourth gun) is exempt under section 25. I accept that the Police have identified to Ms Uttley various general documents which are held by the National Archives of Scotland which may assist her in understanding the amount of movement at the scene prior to it being designated as a scene of crime. However, as indicated above, there is evidence in the witness statements of two Police Officers which may address her request. These documents are available via the National Archives of Scotland, but they have been redacted and, as a result, the information which may assist Ms Uttley is not otherwise accessible in terms of section 25 of FOISA.

The application of section 38(1)(b) – personal information

52. As has been explained previously, the exemption under section 38(1)(b), read in conjunction with section 38(2)(a)(i)) is an absolute exemption.



53. In order for the public authority to be able to rely on this exemption it would have to show that the information which has been requested is personal data for the purposes of the Data Protection Act 1998 (DPA) and that release of the information would breach any of the data protection principles. (In this case, the Police have argued that to release the names of certain individuals would breach the first data protection principle, which states that the processing of data must be fair and lawful. In particular, the Police have argued that the processing of the information would be unfair.)
54. In justifying the use of this exemption in relation to the fourth request made by Ms Uttley (the ammunition case), the Police have argued that they withheld the name of the individual who advised Malcolm Chisholm that the case of ammunition belonged to Thomas Hamilton because it would constitute unfair processing of the officer's personal information. The Police advised that the Lord Advocate decided to redact the names of living individuals from the documents placed in the National Archives of Scotland for public inspection in order to protect the families involved and to protect individuals' personal information. The Police submit that the Officer concerned was not a witness to the Cullen Inquiry and, as such, his name has not been placed in the public domain in this connection.
55. The Police are concerned that if they are ordered to release this individual's name, this would lead to his name being published by Ms Uttley in such a manner as to cause him distress.
56. In considering the application of this exemption, I first have to establish whether the information sought by the Police is personal data as defined in section 1(1) of the DPA.
57. Section 1(1) of the DPA defines personal data as "data which relate to a living individual who can be identified –
- (a) from those data, or
 - (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,
- and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual."



58. Having looked at the statement, I am satisfied that in this case the information withheld by the Police, i.e. the name of the individual Officer, is personal data. The statement reveals that a conversation took place between Malcolm Chisholm and the officer in which Mr Chisholm asked if the Officer knew who the owner of a particular item was and the Officer answered that it belonged to Thomas Hamilton. Although the conversation does not relate to the individuals' home or family life, this does not mean that the information is not personal data.
59. As I am satisfied that the information is personal data, I am now required to go on to consider whether release of this information would contravene any of the data protection principles.
60. In its submissions to my Office, the Police stated that disclosure of this information would contravene the first data protection principle. The first data protection principle requires that processing of personal data should be fair and lawful and also that processing must be justifiable in terms of at least one of the conditions listed in Schedule 2 to DPA.
61. In justifying its reliance on its assertion that release of the Officer's name would contravene the first data protection principle, the Police submitted a copy of a press release which was made by the Crown Office on behalf of the Lord Advocate on 28 September 2005. In this press release the Lord Advocate indicated that "all names or other information which would lead to identification of individuals had to be removed from each document to protect the families involved and to comply with data protection". The Police have also contended that few things are more personal than a person's name and, as mentioned above, that this particular officer was not called as a witness to the Cullen Inquiry and, as such, is not in the public domain in this regard.
62. I note that the Police spoke to the Officer in question and that the Police have confirmed that it is the Officer's expectation that his details would not be disclosed to Ms Uttley. However, although I accept that the information that has been withheld is personal data, I do not accept that disclosure of the information would breach the data protection principles. I am of this view as I would expect that where a Police Officer makes a statement in the course of his/her duties or attends an incident that he/she would have an expectation that any opinions or statements he/she makes may be included in any subsequent report that may be submitted. I am not satisfied that to release this information would be deemed to be unfair processing of the Officer's details. I am therefore not satisfied that the Police has relied on the exemption under section 38(1)(b) correctly.



63. In her fifth information request Ms Uttley has asked for information as to who accounted for moving the fourth gun. The Police relied on the exemption in section 25 to withhold this information from Ms Uttley. As has been explained previously, some information which may provide an answer to Ms Uttley's request is contained in witness statements which are available in the National Archives of Scotland. However, as has been indicated above, these statements have been redacted. I therefore have to consider whether the Police should be required to disclose the name of the individual officer mentioned in the witness statements. In doing so, I am required to consider the exemption in section 38(1)(b) although the Police did not chose to rely on this exemption.
64. In considering the exemption in section 38(1)(b) I have applied the same tests as outlined in paragraphs 54, 57 ,58 and 60 above. I am satisfied that the information which addresses Ms Uttley's request constitutes personal data of the individual Officer named. I have therefore considered the principles under the DPA. In doing so I am satisfied that the release of this information by the Police would not breach any of the data protection principles under the DPA for the same reasons as I have advanced in paragraph 62 above. I am therefore not satisfied that the exemption under section 38(1)(b) would apply to this information.
65. Reference has been made in this decision to guidance which was given by the Lord Advocate in relation to the information which is now available in the National Archives of Scotland. I have considered the guidance from the Lord Advocate, but take the view that this is general guidance which was given by the Lord Advocate in respect of protecting the identities of the children and families involved in the incident at Dunblane Primary School. While, in practice, the effect of this guidance may have been to redact the names of Police Officers who attended the scene, I must consider information requests in line with the exemptions contained in FOISA and therefore am not bound by this guidance.

Decision

66. I find that the Chief Constable of Central Scotland Police (the Police) complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in withholding information in relation to the first, second and third information request made by Ms Uttley. The exemption under section 25 of FOISA was relied on correctly by the Police and as a result, section 1(1) was applied correctly.
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67. However, I find that the Police failed to comply with Part 1 of FOISA in withholding information in relation to Ms Uttley's fourth and fifth information requests on the basis that the information was exempt under section 25 of FOISA. The names did not appear in the redacted version of the statements available in the National Archives of Scotland and so the exemption under section 25 of FOISA was not relied on correctly in this regard by the Police. As a result, section 1(1) was not applied correctly.
68. I also find that the Police failed to comply with Part 1 of FOISA in withholding information in relation to Ms Uttley's fourth information request on the basis that the information was exempt under section 38(1)(b) of FOISA. The exemption under section 38(1)(b) was not relied on correctly in this regard by the Police and as a result, section 1(1) was not applied correctly.
69. I find that the Police failed to comply with Part I of FOISA in withholding the information in relation to Ms Uttley's fifth information request on the basis that the information was exempt under section 25 of FOISA. The exemption under section 25 of FOISA was not relied on correctly in this regard by the Police and as a result, section 1(1) was not applied correctly.
70. I require the Police to release the name of the Police Officer who advised Malcolm Chisholm that the ammunition case found at the gym hall of Dunblane Primary School belonged to Thomas Hamilton, within 42 days of the date of this decision notice.
71. I also require the Police to release the name of the Police Officer who is recorded as removing the fourth gun in the witness statements of two Police Constables, within 42 days of the date of this decision notice.

Kevin Dunion
Scottish Information Commissioner
24 March 2006