

Decision Notice



Decision 109/2010 Iain McKie and Mhairi McKie and the Scottish Ministers

Shirley McKie

Reference Numbers: 200701119 and 200701121
Decision Date: 28 June 2010

www.itspublicknowledge.info

Kevin Dunion

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews KY16 9DS
Tel: 01334 464610



Summary

In 2005, Mr Iain McKie, father of Shirley McKie, made a request to the Scottish Ministers (“the Ministers”) for copies of all of the information they held in relation to his daughter (“the requested information”). The Ministers disclosed a large amount of information to Mr McKie, but withheld some information from him. Mr McKie subsequently applied to the Commissioner for a decision as to whether this information should have been disclosed to him, but, given that the cost to the Ministers of responding to Mr McKie’s original request exceeded £600, the Commissioner advised Mr McKie that the Ministers had been under no obligation to disclose information to him and that the Commissioner would not be able to order the Ministers to disclose any information to Mr McKie.

This led to Mr McKie withdrawing his application to the Commissioner and, in 2006, to Mr McKie and his wife, Mhairi McKie, each making a new request to the Ministers specifically for part of the information which had originally been withheld from Mr McKie.

In response, the Ministers disclosed some additional information, but withheld the remainder of the information under a number of exemptions. The Ministers primarily relied on the exemptions in section 36(1) of FOISA, which allows a public authority to withhold information which is subject to legal professional privilege, section 29(1)(a) of FOISA, which exempts information relating to the formulation or development of government policy and section 30(b)(i) and (ii), which exempts information if disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice or exchange of views.

These particular exemptions are all subject to the public interest test. The Commissioner partially upheld the use of these exemptions and, where he did, considered the public interest arguments in favour of disclosure of the information against arguments in favour of maintaining the exemptions. He noted in particular the strong public interest arguments in favour of keeping information which is subject to legal professional privilege confidential and this led to him agreeing with the Ministers that all of the information which is subject to legal professional privilege is exempt from disclosure. However, he considered that, in other cases, the public interest favoured disclosure of the information which had been withheld under the exemptions in sections 29(1)(a) and (b) and 30(b)(i) and (ii).

Other exemptions relied on by the Ministers (not all of which are subject to the public interest test) are also considered in the decision. The attached Schedule of Documents specifies the information the Commissioner has ordered the Ministers to disclose.



Relevant statutory provisions and other sources

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1) and (6) (General entitlement); 2(1) and (2)(a), (c) and (e)(ii) (Effect of exemptions); 25(1) (Information otherwise accessible); 29(1)(a) and (b) (Formulation of Scottish Administration policy etc.); 30(b) (Prejudice to effective conduct of public affairs); 33(1)(b) (Commercial interests and the economy); 35(1)(c) (Law enforcement); 36 (Confidentiality) and 38(1)(b), (2)(a)(i) and (b) and (5) (definitions of “the data protection principles”, “data subject” and “personal data”) (Personal information)

Data Protection Act 1998 (the DPA) section 1(1) (Basic interpretative conditions – definition of “personal data”); 2(e), (g) and (h) (Sensitive personal data); schedule 1 (The data protection principles, Part I - The principles) (the first data protection principle), schedule 2 (Conditions relevant for purposes of the first principle: processing of any personal data) (condition 1 and 6(1)) and schedule 3 (Conditions relevant for purposes of the first principle: processing of sensitive personal data (condition 5)

The full text of each of the statutory provisions cited above is reproduced in the Appendix to this decision. The Appendix forms part of this decision, as does the attached Schedule of Documents.

Background

1. In January 1997, Marion Ross was found murdered at her home in Kilmarnock. A forensics team subsequently took fingerprints at the scene, as a result of which David Asbury was arrested for the murder of Miss Ross.
2. In the course of the investigation into Miss Ross’s murder, a fingerprint was found on the doorframe of the bathroom in Miss Ross’s home. It was identified, by officers of the Scottish Criminal Record Office (the SCRO), as belonging to Shirley McKie, who was at that time a serving police officer involved in the murder investigation. The fingerprint became known as “Y7”.
3. David Asbury was subsequently convicted of the murder of Miss Ross. In the course of Mr Asbury’s trial, Shirley McKie denied that the fingerprint was hers.
4. Following the murder trial, Shirley McKie was prosecuted for perjury, as a result of what she had said in her evidence at Mr Asbury’s trial.
5. The evidence before the jury at Shirley McKie’s trial included evidence from defence fingerprint experts that Y7 was not her fingerprint. The jury unanimously found her not guilty of perjury.



6. Following the not guilty verdict, the Head of the SCRO directed one of the original fingerprint experts to re-examine mark Y7. The expert reconfirmed his opinion that mark Y7 was a match for the left thumbprint of Shirley McKie.
7. In December 1999, BBC Scotland engaged four experts to examine Y7. All four concluded that the mark was not made by Shirley McKie.
8. In January 2000, fingerprint experts from Lothian and Borders Police wrote to Jim Wallace, then Minister for Justice, to highlight their concerns about the identification of mark Y7.
9. Later that month, the BBC programme, Frontline Scotland, broadcast a programme on the apparent misidentification of Shirley McKie's fingerprint.
10. In February 2000, the Executive Committee of the SCRO decided to ask Her Majesty's Chief Inspector of Constabulary (HMIC) to commission an independent assessment of mark Y7. The same month, the HMIC agreed to bring forward the formal inspection of the SCRO Fingerprint Bureau.
11. The initial findings of the inspection were publicly announced in June 2000. The inspection concluded that the SCRO Fingerprint Bureau was "not fully efficient and effective." In the Scottish Parliament, the Minister for Justice and Lord Advocate responded to HMIC's findings. The Minister apologised to Shirley McKie for the suffering she had endured. The Lord Advocate directed that all current and future SCRO identifications should be independently checked. This requirement lasted for 13 months. A total of 2,246 cases were examined and the identification of 6,894 marks containing 10,449 impressions were verified. In each case, the accuracy of the verification was confirmed.
12. In July 2000, James Mackay, then Deputy Chief Constable of Tayside Police, was appointed by the Association of Chief Police Officers in Scotland (ACPOS) to lead an investigation into the circumstances surrounding the fingerprint identification. The Lord Advocate also instructed William Gilchrist, then Regional Procurator Fiscal for North Strathclyde, to inquire into allegations of criminal misconduct surrounding the initial identification of mark Y7. The following month, the SCRO suspended the four people who had carried out the initial identification on a precautionary basis and a retrospective examination of historical cases involving these four was commenced. No errors were found.
13. In August 2000, David Asbury was granted interim liberation pending an appeal against his conviction for the murder of Miss Ross. His conviction was subsequently quashed in August 2002. The Crown did not oppose the appeal.
14. The following month, the HMIC report of the SCRO Fingerprint Bureau Primary Inspection was published. Sir William Rae, then Chief Constable of Dumfries and Galloway and President of ACPOS, met the McKie family and personally apologised for the trauma and distress caused.
15. In October 2000, the "Mackay Report" was submitted to the then Regional Procurator Fiscal for North Strathclyde.



16. In September 2001, the Lord Advocate confirmed that no criminal proceedings were to be taken against the four SCRO fingerprint officers.
17. In November 2001, Shirley McKie raised proceedings against the Scottish Ministers (and others, including the SCRO experts who had identified Y7 as her fingerprint) for damages. The action subsequently proceeded solely against the Ministers.
18. In March 2002, Strathclyde Joint Police Board convened a disciplinary committee to consider whether disciplinary action should be taken against the four SCRO officers. The committee decided to reinstate all four of the officers.
19. In February 2006, the proceedings raised by Shirley McKie against the Scottish Ministers was settled out of court for £750,000 on the basis that, while there had been a misidentification of mark Y7, there had been no malicious intent on the part of the SCRO officers who had first identified the mark as being that of Shirley McKie.
20. This was not the end of the matter, however. In March 2008, the Scottish Government announced that an independent inquiry (“the Fingerprint Inquiry”) was to be held by Sir Anthony Campbell under the Inquiries Act 2005¹. The remit of the Fingerprint Inquiry is to inquire into the steps taken to identify and verify the fingerprints associated with, and leading up to, the case of *HM Advocate v McKie* in 1999; to determine, in relation to the fingerprint Y7, the consequences of the steps taken, or not taken; and to report findings of fact and make recommendations as to what measures might now be introduced, beyond those that have already been introduced since 1999, to ensure that any shortcomings are avoided in the future. As at the time of writing, the Inquiry has finished hearing oral evidence and Sir Anthony is now considering the evidence and drafting his report.
21. This matter has had a significant impact on the personal lives of those involved, including Shirley McKie, the employees of the SCRO whose determinations have been subject to international scrutiny and, of course, the family of Miss Ross. However, the repercussions have gone beyond the purely personal and have called into question the systems of criminal prosecution in Scotland.
22. As Kenny MacAskill MSP, Justice Secretary, commented when announcing that the Inquiry would be held,

“The Shirley McKie case has cast a cloud over the individuals involved and has been a source of serious concern for the criminal justice system for the past decade.”

¹ <http://www.thefingerprintinquiryscotland.org.uk/inquiry/21.html>



23. The Commissioner is aware that the Fingerprint Inquiry may have access to some of the information which is the subject of the application to him by Mr and Mrs McKie and that it may decide to disclose some of that information. However, the Commissioner's role is entirely separate from that of the Fingerprint Inquiry and is to determine whether the Ministers were entitled to withhold information from Mr and Mrs McKie in line with the exemptions contained within FOISA.
24. Furthermore, whilst the chronology above is provided as background, the Commissioner wishes to make it clear that he cannot take into account matters (including the establishment of the Fingerprint Inquiry), which have taken place since the requests were made to the Ministers, as he must consider whether, as at the date of carrying out the review of the requests, i.e. as at December 2006, the Ministers were entitled to withhold the information.

The information requests

25. Mr McKie originally made an information request to the Ministers for all of the information they held about the Shirley McKie case shortly after FOISA came into force in 2005. In response to this request, the Scottish Ministers disclosed a large amount of information (Mr McKie has himself described being "snowed under by paper" as a result of the amount of information disclosed to him). However, the Ministers also withheld around 700 documents from Mr McKie. In 2006, Mr McKie made an application to the Commissioner, asking him to come to a decision as to whether the Ministers had been correct to withhold the information in these documents from him. After entering into correspondence with the Ministers, the Commissioner came to the conclusion that the cost of responding to his request exceeded £600. In terms of section 12(1) of FOISA, a Scottish public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed £600. As a consequence, the Commissioner did not have the power to consider whether the Ministers had been correct to withhold information from Mr McKie and was obliged to come to the view that the Ministers had been under no obligation to respond to Mr McKie's initial request. This led to Mr McKie withdrawing his original application to the Commissioner.
26. On 4 October 2006, Mr and Mrs McKie each made a request for part of the information which had originally been withheld from Mr McKie. The information which had been withheld was all contained in one file, file DDX 15/1/1. Mr McKie asked, by reference to a schedule which had previously been released to him, for the documents in Parts 001 to 004 of the file. Mrs McKie's request asked for documents from Parts 005 to 012 of the file.
27. The Ministers responded to the information requests at the start of November, within the timescales allowed by FOISA. They reconsidered the information which they had previously withheld, and disclosed some additional information (the information which was disclosed at this stage is marked on the Schedule of Documents as "released" and does not form part of the Commissioner's investigation). However, the Ministers upheld their original decision to withhold the remainder of the information under various exemptions in FOISA.
28. Shortly after this, Mr and Mrs McKie asked the Ministers to carry out a review of the way in which they had dealt with the information requests. Reviews were carried out in December 2006, as a result of which the Ministers decided not to disclose any additional information.



29. Mr McKie subsequently made a joint application to the Commissioner on his own behalf, and on behalf of Mrs McKie, stating that they were dissatisfied with the outcome of the Ministers' reviews and applying to the Commissioner for decisions in terms of section 47(1) of FOISA. These applications were subsequently validated in August 2007 after the Commissioner received from Mrs McKie a mandate which confirmed that she had authorised Mr McKie to act as her agent in the matter of this application.
30. The Commissioner conjoined the applications and carried out one investigation.

Investigation

31. On 17 August 2007, the Ministers were notified in writing that applications had been received from Mr and Mrs McKie and were asked to provide the Commissioner with the information which had been withheld from them. The Ministers responded with the information requested in September 2007 and the case was then allocated to an investigating officer. As can be seen from the Schedule of Documents, a large number of documents have been withheld from Mr and Mrs McKie, and in many cases a number of different exemptions have been applied to individual documents. This has led to a prolonged investigation.
32. After an initial reading of the information which had been withheld, the investigating officer contacted the Ministers on 14 January 2008, giving them an opportunity to provide comments on the applications (as required by section 49(3)(a) of FOISA) and asking them to respond to specific questions. The Ministers were asked to justify their use of exemptions in Part 2 of FOISA to withhold information from Mr and Mrs McKie.
33. The Ministers relied on a number of different exemptions to withhold the information from Mr and Mrs McKie. The exemptions relied on by the Ministers are as follows:
 - Section 25(1) – information which is otherwise accessible
 - Section 29(1)(a) – information relating to the formulation or development of government policy
 - Section 29(1)(b) – information relating to Ministerial communications
 - Section 30(b)(i) – information, the disclosure of which would, or would be likely to, inhibit substantially the free and frank provision of advice
 - Section 30(b)(ii) – information the disclosure of which would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation
 - Section 33(1)(b) – information the disclosure of which would, or would be likely to, prejudice substantially commercial interests
 - Section 35(1)(c) – information the disclosure of which would, or would be likely to, prejudice substantially the administration of justice



- Section 36(1) – information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings – in this case, the Ministers have argued that the information is subject to legal professional privilege
 - Section 36(2) – information, the disclosure of which would constitute an actionable breach of confidence
 - Section 38(1)(b) – personal data, the disclosure of which would breach any of the data protection principles – in this case, the Ministers have argued that disclosure would breach the first data protection principle
34. The exemptions cited by the Ministers are a mixture of absolute exemptions (section 25, 36(2) and 38(1)(b)) and of exemptions which are subject to the public interest test contained in section 2(1)(b) of FOISA (sections 29(1)(a) and (b), 30(b)(i) and (ii), 33(1)(b), 35(1)(c) and 36(1)). Where an exemption is subject to the public interest test then, even if the Commissioner decides that the exemption applies, he must order the information to be disclosed if he is satisfied, in all the circumstances of the case, that the public interest in disclosing the information outweighs the public interest in maintaining the exemption.
35. Although matters have clearly moved on since the requests were made to the Ministers, as previously noted, the Commissioner must consider whether, as at the date of carrying out the review of the requests, i.e. as at December 2006, the Ministers were entitled to withhold the information.

Commissioner's analysis and findings

36. In coming to a decision, the Commissioner has considered all of the withheld information and submissions made to him, and is satisfied that no matter of relevance has been overlooked.
37. Although a wide range of exemptions have been applied, in some cases only a small number of documents have been withheld in relation to a particular exemption (for example, only one document has been withheld on the basis that it would be exempt from disclosure under sections 35(1)(c)). The vast majority of the information has been withheld under the exemptions contained in sections 29(1)(a), 30(b)(i) and (ii) and 36(1) of FOISA.
38. The information withheld from Mr and Mrs McKie appears to be, in the main, the information contained in the Ministers' litigation file. Given the specific issues surrounding the exemption in section 36(1) (legal professional privilege), which are addressed in detail below, the Commissioner considers it appropriate to address this exemption before going on to address the exemptions in sections 29(1)(a) (and (b)) and 30(b)(i) and (ii).



39. However, given that a small number of documents have been withheld on the basis of absolute exemptions (see above), the Commissioner will address these first. He will then address the small number of documents withheld under the exemptions in sections 33(1)(b) and 35(1)(c) of FOISA. Both of these exemptions are subject to the public interest test, but the public interest arguments are different from the public interest arguments put forward in relation to the exemptions in sections 29 and 30 (which focus on the ability of the Ministers to carry out their functions) and in section 36 (which focus on the public interest in the Ministers being entitled to communicate and seek legal advice, etc in private).

Section 25(1) Information which is otherwise accessible

40. A number of documents, or parts of documents, have been withheld under the exemption in section 25(1) of FOISA. This allows information to be withheld if the applicant can reasonably obtain the information other than by requesting it under section 1(1) of FOISA. It is, therefore, one of the small number of exemptions in FOISA which take account of the circumstances of the person who actually asked for the information.
41. The information which was withheld includes information which is available on the Scottish Parliament's website (such as reports and parliamentary questions) and parts of a talk given by Mr McKie. Where relevant, the Ministers have provided Mr and Mrs McKie with advice as to where the information could be found, e.g. through the provision of appropriate internet links.
42. Having considered each of the occasions on which the Ministers relied on this exemption, the Commissioner is satisfied that the information was indeed information which Mr and/or Mrs McKie could reasonably obtain other than by requesting it under section 1(1) of FOISA. He is therefore satisfied that the exemption applies to the information which has been withheld under section 25(1).

Section 36(2) – information provided in confidence

43. Seven documents were withheld by the Ministers under this exemption. In the case of all but one of these documents, document 41 of Part 2 (old number 12c), the exemption in section 36(2) was the only exemption applied to the documents.
44. Six of the documents withheld under this exemption are letters written to the Ministers and five are marked either "in strict confidence", "strictly private and confidential" or "private and confidential". The seventh document is a statement for a disciplinary tribunal.
45. Under section 36(2) of FOISA, information is exempt information if (a) it was obtained by a Scottish public authority from another person (including another such authority) and (b) its disclosure by the authority that obtained the information to the public would constitute an actionable breach of confidence by that person or any other person.
46. The Commissioner has considered all of the documents withheld under this exemption and is satisfied that they were all obtained by the Ministers from another person.



47. Given that the Commissioner has accepted that the information was obtained by the Ministers from a third party, he must go on to consider whether disclosure of the information would constitute an actionable breach of confidence. There are three main requirements, all of which must usually be met before a claim for breach of confidentiality can be established. These are:
- the information must have the necessary quality of confidence about it. It must not be generally accessible to the public already
 - the information must have been received by the Ministers in circumstances from which an obligation on them to maintain confidentiality could be inferred or is expressly provided for
 - there must be a disclosure or use of the information which is not authorised by the person who communicated the information, but which would cause detriment to that person
48. As noted above, the exemption in section 36(2) of FOISA is an absolute exemption, in that it is not subject to the public interest test set down in section 2(1)(b) of FOISA. However, the Commissioner considers that the word “actionable” in the exemption means that the basic requirements for a successful legal action must appear to be fulfilled. This means that, for the exemption to apply, it should not be reasonably expected that the action would be defeated by one of the established defences to an action for breach of confidence, such as the information subsequently becoming public knowledge or it being contrary to the public interest to withhold the information.
49. The law of confidence recognises that there is a strong public interest in ensuring that people respect confidences. In considering the “public interest defence” there is, unlike the public interest test set out in section 2(1)(b) of FOISA, no presumption in favour of disclosure. In certain circumstances, however, the public interest in maintaining confidences may be outweighed by the public interest in the disclosure of the information.
50. In their submissions, the Ministers consider that disclosure of any of the documents withheld under section 36(2) would constitute a breach of confidence actionable by the person who provided them with the document. They have commented on the fact that the majority of the documents are marked “private and confidential” (or equivalent) and that in the case of the documents which were not so marked, it can reasonably be deduced that the information was supplied to the Ministers on a confidential basis.
51. The Ministers argue that the information has the necessary quality of confidence and that it has been communicated in circumstances importing an obligation of confidence. They comment that there does not appear to be any applicable or available defence to an action for breach of confidence in these circumstances and, as a result, consider the information to be exempt under section 36(2).
52. The Ministers have also commented that it is “self-evident” that organisations and individuals would be much less likely to provide them with similar information in future if they could not be confident that the information would not be disclosed to the public. The Commissioner considers that this argument will only weight in limited circumstances.



53. Document 41 of Part 2 is a letter from Strathclyde Police to the Ministers, discussing the Defences which had been lodged in the Court of Session by the Chief Constable of Strathclyde Police in relation to the action raised by Shirley McKie. The document also includes a copy of the Defences. The letter is marked “strictly private and confidential”.
54. The Commissioner accepts that when the letter was sent to the Ministers in 2001, it had the necessary quality of confidence. Given that the letter reflects legal advice on the defences, the Commissioner is also satisfied, even without the private and confidential marking, that the information was obtained by the Ministers in circumstances from which an obligation of confidentiality could be inferred; the Commissioner accepts that the information was shared with the Ministers on the understanding that it would not be disclosed further. The Commissioner also considers that disclosure of the information would be unauthorised and would cause detriment, either to Strathclyde Police because of the effect which disclosure would have on obtaining legal advice in the future (see the discussion on the disclosure of legal advice below and, in particular, the arguments in favour of maintaining the exemption in section 36(1) on public interest grounds) or to the Ministers, on the basis that such information might not be provided to them in the future.
55. As such, the Commissioner is satisfied that the information contained in this document is exempt from disclosure under section 36(2) of FOISA.
56. Document 123 of Part 4 is a letter from the Director of the SCRO to the Ministers. Supporters of Shirley McKie had posted an entry on the Internet inviting fingerprint experts to forward their views of the McKie fingerprint identification to the Chief Constable of Grampian Police and to the Minister for Justice. This letter forwarded copies of this information to the Ministers.
57. The Commissioner does not believe that the information in question has the necessary quality of confidence for the exemption in section 36(2) to apply. In his view, there is nothing in the covering letter to suggest that the letter was received by the Ministers in circumstances from which an obligation on the Ministers to maintain confidentiality could be inferred, and there is nothing in the contents of the letter to suggest that it has the necessary quality of confidence.
58. Similarly, there is no suggestion from any of the experts providing their views that they expect their views to remain confidential. Indeed, in responding to a “public call” for comments, it could be argued that they intended their views to be put into the public domain. The views of most of the experts on the Shirley McKie case are published on the Internet and many of the experts were involved in the Parliamentary Inquiry. As a result, the Commissioner finds that the information is not exempt under section 36(2) of FOISA.
59. Documents 146 of Part 4, 1 of Part 5 and 24 of Part 5 are copies of the same letter from the Deputy Head of the SCRO to the First Minister dated 7 May 2002, although the versions in Part 5 also contain a copy of a much longer letter sent by the Deputy Head of the SCRO to his own MSP. (Document 24 of Part 5 also contains an acknowledgement from the First Minister to the Deputy Head of the SCRO.)



60. The Commissioner has considered carefully whether these letters should be disclosed. In the past, he has found that correspondence from a member of the public to their MSP should be withheld on the basis that it is exempt under section 36(2) of FOISA, amongst other exemptions (indeed, he has come to the same conclusion in relation other information withheld from Mr and Mrs McKie – see below). However, in this case, the Commissioner considers that the letter from the Deputy Head of the SCRO to his MSP is written by him in his professional capacity. He uses his professional title in the letter. It is unclear from the copies of the letters held by the Ministers whether this letter was sent on SCRO-headed paper, but what is clear is that the address (and fax number) from which the letters were sent is that of the SCRO. The letters directly concern the Deputy Head of the SCRO's professional role and it is clear that he discussed his intention to write the letter with his superior.
61. As such, the Commissioner considers that he is entitled to treat both the letter to the First Minister and the letter to the MSP as letters written in the author's professional capacity (as opposed to in his capacity as a member of the public or as a private individual, although he notes that the Ministers consider the letter to have been written in a personal capacity).
62. Both letters are headed "in strict confidence." Although the Commissioner does not accept that the use of a marking such as "in strict confidence" in a document automatically means that the document was disclosed in circumstances which imposed an obligation on the authority to maintain confidence, he will take this fact into account when considering the contents of the letters.
63. In the letter to the First Minister (to which the letter written to the Deputy Head's MSP is attached), the Deputy Head of the SCRO puts forward the views of the SCRO as to what has happened in respect of Shirley McKie. The letters are written in a direct manner, freely and frankly, and the Commissioner considers that they were received by the Ministers in circumstances from which an obligation on the authority to maintain confidentiality could be inferred.
64. However, the letter written to the MSP was circulated by the author to a number of senior public figures. Given that the letter to the MSP was widely circulated, the Commissioner does not consider that the letter has the necessary quality of confidence and that, as a consequence, the letter is not exempt under section 36(2) of FOISA.
65. In any event, even if the letter did have the necessary quality of confidence, the Commissioner considers that there is a public interest justification for disclosure of the information, given the importance of the subject matter (which concerns the public confidence in the Scottish fingerprint service), the scale of public disquiet following the Shirley McKie case and the subsequent compensation payment made by the Ministers to Shirley McKie.
66. The covering letter to the First Minister was not widely circulated by the author, at least to the knowledge of the Commissioner. The Commissioner is therefore willing to accept that it had the necessary quality of confidence. He does not accept, however, that disclosure of the letter would cause detriment to the Deputy Head of the SCRO. His views on the case have been well reported and it is clear to the Commissioner that his views in the letter were expressed as Deputy Head of the SCRO and not in a personal capacity.



67. If the Commissioner is wrong on this point, he considers that there is a public interest justification for disclosure of the information, for the reasons set out in paragraph 65 above.
68. The Commissioner therefore finds that the letters in question are not exempt under section 36(2) and should be disclosed. (The Commissioner notes that the Ministers did not apply the exemption in section 38(1)(b) of FOISA to the versions of the letter which appear in documents 146 of Part 4 and 1 of Part 5, although the exemption has been cited in relation to the document 24 of Part 5. In the circumstances, the Commissioner has assumed that the Ministers have relied on the exemption in section 38(1)(b) to withhold the acknowledgement from the First Minister alone and he will address this below.)
69. Document 451 of Part 11 is a statement on behalf of Peter Swann in relation to a disciplinary tribunal of the then Council for the Registration of Forensic Practitioners. There is no covering letter with the document, but it appears that it was provided to the Ministers by Mr Swann's solicitor.
70. It is therefore unclear, on the face of the document, whether the statement was provided to the Ministers in confidence, although the Ministers have submitted, as noted above, that it was provided to them in circumstances from which an obligation to maintain confidentiality could be inferred.
71. However, the Commissioner notes that the solicitor for Mr Swann subsequently made public information about Mr Swann and this disciplinary tribunal. The Commissioner also notes that much of the information contained in this statement appears online in the Official Report of the Scottish Parliament as the matter was discussed by the Justice 1 Committee.
72. As a consequence, even if the statement had been provided to the Ministers in confidence (which the Commissioner does not accept), he is satisfied that the information did not, at the time the Ministers carried out the review, have the necessary quality of confidence. He therefore does not consider that the statement is exempt under section 36(2) of FOISA.
73. Documents 466 of Part 11 (old number 75) and 485 of Part 12 (old number 14) are letters from Mr Swann's solicitor to Cathy Jamieson, then Minister for Justice, dated December 2004 and January 2005, respectively. Both letters are marked "private and confidential: addressee only".
74. The letters formally notify the Ministers about the disciplinary tribunal to be held in June 2005. As with the statement referred to above, even if the letters were provided to the Ministers in confidence, given that the information about the disciplinary tribunal was subsequently put into the public domain by the solicitor, the Commissioner does not consider that the letters have the necessary quality of confidence. As a result, he does not consider the letters to be exempt under section 36(2) of FOISA.



Section 38(1)(b) – personal data

75. The Ministers have relied on the exemption in section 38(1)(b) (as read with either section 38(2)(a)(i) or (b) of FOISA) to withhold a small number of names and addresses from Mr and Mrs McKie.
76. In order to be able to rely on this exemption, the information withheld must, first of all, be personal data. “Personal data” is defined in section 1(1) of the DPA as data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller (in this case, the data controller is the Scottish Ministers). The full definition of “personal data” is set out in the Appendix.
77. Personal data may be withheld if its disclosure to a member of the public under FOISA would contravene any of the data protection principles. In this case, the Ministers have argued that disclosure of the personal data would breach the first data protection principle. The first data protection principle requires that personal data shall be processed (here, disclosed in response to an information request made under section 1(1) of FOISA) fairly and lawfully. It also requires that information shall not be processed unless at least one of the conditions in schedule 2 of the DPA is met and, in the case of sensitive personal data, at least one of the conditions in schedule 3 of the DPA is also met.
78. The Ministers have commented that, primarily, the personal data which they have redacted are the names and addresses (including email addresses) of individuals who have corresponded with the Government about the Shirley McKie case. The Ministers consider that the willingness of individuals to make representations to government, particularly in cases of such sensitivity and controversy, could be compromised if there were an expectation that it would become public knowledge (a) that they made representations, (b) what those representations were and (c) what their contact details were. The Ministers consider that this would not be in the interests of good government. The Commissioner notes these arguments, but considers that, while they may point to those making the representations not expecting their personal data to be disclosed (and may lead to the disclosure being unfair), he considers that the argument about the disclosure not being in the interests of good government is irrelevant to the section 38(1)(b) in this case.
79. However, the Ministers also submitted that the disclosure of the information would breach the first data protection principle on the basis that there are no conditions in schedule 2 which would permit the personal data to be disclosed. The Ministers referred specifically to condition 6 of schedule 2, and argued that the processing of the data in this case is not necessary for the purposes of any legitimate interest and, even if it were, the processing would be prejudicial to the rights and freedoms or legitimate interests of the particular individuals (i.e. the data subjects) involved.
80. In considering whether the exemption in section 38(1)(b) applies, the Commissioner must look at two separate matters, i.e. whether the information is personal data and, if so, whether disclosure would breach the first data protection principle.



81. As noted above, this exemption was applied to only a small amount of information in the documents withheld from Mr and Mrs McKie.
82. Having considered the information which has been withheld under this exemption, the Commissioner is satisfied that the information is personal data for the purposes of section 1(1) of the DPA. The information identifies living individuals and clearly relates to them.
83. The Commissioner considers that the personal data which has been withheld can be split into the following categories: (i) names and contact details of members of the public; (ii) names, experience and contact details of professionals, such as fingerprint experts; (iii) correspondence by MSPs acting on behalf of SCRO officers, (iv) details about the employment (and disciplinary action being taken against) the SCRO officers; (v) correspondence which followed on from the letter sent by the Deputy Head of the SCRO referred when considering the section 36(2) exemption above and (vi) sensitive personal data.

Names and contact details of members of the public

84. As the Ministers have noted, Mr and Mrs McKie have previously been provided with correspondence to and from members of the public who have written to the Ministers to express concern at the issues being raised by the Shirley McKie case, but with names and contact details omitted. There is nothing to suggest that the members of the public had any expectation that their names or contact details would be put into the public domain. The people in question express concern about the case, but are not “experts” in the field. The Commissioner finds that disclosure of the names and contact details of the members of the public would be unfair. He must therefore find that disclosure would breach the first data protection principle and that this personal data is exempt from disclosure under section 38(1)(b) of FOISA.

Names, experience and contact details of professionals

85. However, the Commissioner views the correspondence which has been received from various professionals in a different light. The professionals make reference to their professional qualifications and experience. A search also highlights that the majority of the professionals in question have posted their views on the McKie case on the Internet (and many were involved in the Parliamentary Inquiry). As such, the Commissioner does not consider that it would be unfair for the names or experience (where this has been redacted) of these professionals to be disclosed. However, he agrees that it would be unfair for the professionals’ direct contact details to be disclosed under FOISA on the basis that they would have no expectation that this information would be disclosed into the public domain. (The Commissioner has come to the same conclusion in relation to the home email address of the Chair of the Scrutiny Committee, withheld from document 110 of Part 4 for the same reasons.)
86. Given that the Commissioner considers that the disclosure of the names and, where relevant, the experience, of the professionals in question would be fair, he must go on to consider whether there are any conditions in schedule 2 which would permit the names to be disclosed.



87. As noted above, the Ministers specifically considered whether condition 6(1) of schedule 2 would permit the names and experience of the professionals to be disclosed, but came to the conclusion that it would not, on the basis that the processing (i.e. disclosure) is not necessary for any legitimate interests.
88. The Commissioner has considered all of the conditions in schedule 2, and shares the view that condition 6(1) of schedule 2 is the only condition which might be considered to apply in this case.
89. Condition 6(1) allows personal data to be processed if the processing is necessary for the purposes of legitimate interests pursued by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.
90. There are, therefore, a number of different tests which must be satisfied before condition 6 can be met. These are:
- Is there a legitimate interest in obtaining this personal data?
 - If yes, is the disclosure necessary to achieve these legitimate aims? In other words, is the disclosure proportionate as a means, and fairly balanced as to ends, or could these legitimate aims be achieved by means which interfere less with the privacy of the professionals in question?
 - Even if the processing is necessary for the legitimate purposes of the applicants, would the disclosure nevertheless cause unwarranted prejudice to the rights and freedoms or legitimate interests of the professionals? This will involve a balancing exercise between the legitimate interests of the applicants (and of the public) and those of the professionals. Only if (or to the extent that) the legitimate interests of the applicants (or the public) outweigh those of the professionals can the names and details of their experience be disclosed.
91. The Commissioner is satisfied, in the circumstances of this case, that there is a legitimate interest in knowing what comments various professionals have expressed to the Ministers, particularly since the comments are largely based on the interpretation of the fingerprint in question, which goes to the heart of the Shirley McKie case.
92. The Commissioner must now go on to consider whether disclosure is necessary for the legitimate interests of Mr and/or Mrs McKie (and of the public) and, in doing so, he must consider whether these interests might reasonably be met by alternative means.
93. The Commissioner has concluded that disclosure is necessary, on the basis that the legitimate interests he has identified cannot be satisfied in any other way. Even where the views of the experts are available on the Internet, it is difficult to locate without knowing the names of those individuals.



94. The Commissioner must also consider whether disclosure would nevertheless cause unwarranted prejudice to the rights, freedoms and legitimate interests of the individual professionals concerned. This will involve a balancing exercise between the legitimate interests of Mr and Mrs McKie (and of the public) and those of the professionals. Only if the legitimate interests of Mr and Mrs McKie (and of the public) outweigh those of the professionals can the information be disclosed without breaching the first data protection principle.
95. The Commissioner's guidance on the interpretation of the exemptions in section 38(1) sets out a number of factors which he considers should be taken into account in carrying out this balancing exercise. These include:
- whether the information relates to the individual's public life (such as their work as a public official or employee) or their private life (such as their home, family, social life or finances)
 - the potential harm or distress that may be caused by the disclosure
 - whether the individual has objected to the disclosure
 - the reasonable expectations of the individuals as to whether the information would be disclosed
96. The Commissioner considers that the information in question relates to the professionals' public life as opposed to their private life, even if they have used their home email addresses rather than those of their place of work (as noted above, the Commissioner has already determined that it would be unfair to disclose direct contact details). In any event, the Commissioner does not consider that the disclosure of the names or details of their experience would cause any harm or distress to the individuals in question. There is evidence that most of the professionals have posted comments about the McKie case on the Internet and the Commissioner therefore takes from that that they are content to be connected to the Shirley McKie case. Even where no such posting has taken place, it is clear that the experts in question wished to use their specific experience and expertise to effect a change in the way the Ministers were responding to the issue.
97. Furthermore, where individuals have drawn attention to their professional role and expertise, as lending weight to representations made by them to decision makers, it should reasonably be expected that they will be identified as having influenced or having sought to influence the views or conclusions of those decision makers.
98. Having balanced the legitimate interests of Mr and Mrs McKie (and of the public) with those of the professionals involved, the Commissioner is satisfied that, in this case, any prejudice to the rights, freedoms and legitimate interests of the data subjects is outweighed by the legitimate interests of Mr and Mrs McKie (and of the public). As such, he has concluded that disclosure would be in line with condition 6 of schedule 2.



99. The Ministers advised the Commissioner that they did not consider that disclosure would be unlawful (although, clearly, if a disclosure is unfair, disclosure will breach the first data protection principle and will, as a consequence, be unlawful). The Commissioner has considered the question of lawfulness separately and does not consider that disclosure would be unlawful. Given that he has already found that the disclosure of the names would not be unfair and that disclosure would be permitted by one of the conditions contained in schedule 2, he finds that the disclosure of the names is permitted by the first data protection principle and is not exempt under section 38(1)(b) of FOISA.

Correspondence by MSPs acting on behalf of SCRO officers

100. Some of the information which has been withheld from Mr and Mrs McKie is contained in representations made by MSPs to one or more of the Scottish Ministers on behalf of the SCRO officers who are closely involved in the case.
101. The Commissioner considers that there is a legitimate interest in the disclosure of this personal data, given the high profile of the Shirley McKie case and the role played by the data subjects in the case. He also considers that disclosure of the correspondence is necessary to achieve these legitimate interests.
102. He considers that disclosure of the information would cause unwarranted prejudice to the rights, freedoms and legitimate interests of the SCRO officers, given that he is satisfied that they made such representations to their MSPs in a personal capacity. In the circumstances, he considers that it would have been reasonable for them to expect that the representations which their MSP made on their behalf, as constituents, would not be disclosed into the public domain.
103. As such, he finds that there are no conditions in schedule 2 which would allow the information in this correspondence to be disclosed (this includes the correspondence from the MSPs in question as well as the responses from the Ministers). He therefore finds that disclosure would breach the first data protection principle and that the information is exempt from disclosure under section 38(1)(b) of FOISA.

Employment (and disciplinary action being taken against) the SCRO officers

104. The Ministers have withheld information relating to the employment situation of the SCRO officers involved in identifying the fingerprint in question as that of Shirley McKie's.
105. The Commissioner considers that it would be fair to disclose the majority of this information under FOISA, but not information which relates to matters such as their previous employment and dates of promotion. As such, he considers this information to be exempt under section 38(1)(b) of FOISA.



106. As noted above, the Ministers have not made any specific arguments as to the disclosure of the personal data being unlawful (except insofar as disclosing information in breach of the first data protection principle would in itself be unlawful). As a result, the Commissioner will go on to consider whether condition 6 of schedule 2 can be met. The tests involved in considering condition 6 are set out above.
107. The Commissioner is satisfied, in the circumstances of this case, that there is a legitimate interest in the disclosure of the information in question, given the role which the SCRO officers have played in the case, and in knowing what steps were taken in relation to their employment.
108. The Commissioner must now go on to consider whether disclosure is necessary for the legitimate interests of Mr and/or Mrs McKie (and of the public) and, in doing so, he must consider whether these interests might reasonably be met by alternative means.
109. The Commissioner has concluded that disclosure is necessary, on the basis that the legitimate interests in relation to the information in question which he has identified cannot be satisfied in any other way.
110. In this case, the Commissioner considers that the disclosure of the information would not cause unwarranted prejudice to the rights, freedoms and legitimate interests of the constituents. While it is very unusual for him to order the disclosure of information which relates to disciplinary action being taken against an individual, the Commissioner has taken account of the amount of information about the action taken against the officers in the public domain and the high profile of this case.

Correspondence following on from the letter from the Deputy Director of the SCRO

111. The Ministers have also relied on the exemption in section 38(1)(b) to withhold correspondence between the First Minister and the Deputy Head of the SCRO and between the Deputy First Minister and the Deputy Head's MSP in relation to matters raised by the Deputy Head.
112. The Commissioner considers, given the seniority of the Deputy Head of the SCRO, that the disclosure of these letters would be fair. As noted earlier in the decision, the Commissioner considers that the original letter from the Deputy Head of the SCRO in which he sets out his views in some detail was written on a professional as opposed to personal basis.
113. Given that the Ministers have not argued that disclosure of personal data would be unlawful (except insofar that disclosure in breach of the first data protection principle would in itself be unlawful), the Commissioner will go on to consider whether condition 6 of schedule 2 can be met. The tests for condition 6 are set out above.
114. The Commissioner is satisfied, in the circumstances of this case, that there is a legitimate interest in the disclosure of the information in question, given the role which the Deputy Head of the SCRO played in the Shirley McKie case and the interest in knowing his views on the identification of the fingerprint.



115. The Commissioner must now go on to consider whether disclosure is necessary for the legitimate interests of Mr and/or Mrs McKie (and of the public) and, in doing so, he must consider whether these interests might reasonably be met by alternative means.
116. The Commissioner has concluded that disclosure is necessary, on the basis that the legitimate interests he has identified cannot be satisfied in any other way. The information contained in these documents cannot be accessed in any other way and there is a legitimate interest in knowing how the Ministers reacted to the correspondence from the Deputy Head of the SCRO.
117. In this case, the Commissioner considers that the disclosure of the information would not cause unwarranted prejudice to the rights, freedoms and legitimate interests of the Deputy Head of the SCRO, given that the contents of the correspondence are factual and are not critical of the Deputy Head.
118. As such, the Commissioner considers that the information contained in this correspondence is not exempt from disclosure under section 38(1)(b) of FOISA.

Sensitive personal data

119. The final category of personal data which has been withheld by the Ministers is information which falls within the definition of sensitive personal data in section 2(g) and (h) of the DPA. Only a very small percentage of the information which has been withheld is sensitive personal data and it relates to criminal action taken in relation to a person not directly connected to the Shirley McKie case.
120. The Ministers have not made any additional arguments as to why this information should not be disclosed, but the Commissioner considers it appropriate to treat it separately. As noted above, in order to allow the processing of sensitive personal data to comply with the first data protection principle, the disclosure must be fair and lawful and there must be a condition in each of schedules 2 and 3 which would allow the information to be processed.
121. Given the restrictive nature of the conditions set out in schedule 3, the Commissioner considered these first, but has been unable to find any condition in schedule 3 which would permit the processing of the sensitive personal data.
122. As a result, he has come to the conclusion that the processing of the sensitive personal data in question would breach the first data protection principle and, accordingly, that it is exempt from disclosure under section 38(1)(b) of FOISA.



123. There is, in addition, a small amount of sensitive personal data contained in the documents relating to the health of Shirley McKie (see section 2(e) of the DPA). The Ministers have not specifically withheld this information on the basis that it is sensitive personal data, the disclosure of which would breach the first data protection principle. However, the Commissioner notes in passing that this information has been made public as a result of steps deliberately taken by Shirley McKie and that, as a result, he considers that disclosure of the information is permitted by condition 5 of schedule 3 and condition 6 of schedule 2 and that, in the circumstances, the disclosure is otherwise fair and lawful. He therefore considers that the information is not exempt under section 38(1)(b) of FOISA.

Exemptions subject to public interest test

124. The remaining exemptions are all subject to the public interest test set down in section 2(1)(b) of FOISA.
125. The Ministers have provided the Commissioner with public interest arguments in relation to each of the exemptions they have applied, and these are addressed in more detail below. However, in their submissions to the Commissioner, the Ministers also commented more generally on their approach to the public interest issues raised by this case.
126. The Ministers advised the Commissioner that, in responding to Mr and Mrs McKie's information requests, they have been very conscious of the public interest in the issues associated with it and of the public interest in ensuring that the debate is well informed. The Ministers advised the Commissioner that, in responding to the requests, they have considered whether disclosure of information would add to knowledge and understanding of the case, taking into account the substantial amount of information which has already been disclosed by the Ministers (e.g. in response to requests under FOISA and the Parliamentary Inquiry into related matters).
127. The Ministers also commented that they have considered whether documents which contain information which would not add substantively to the case should be disclosed for the purpose of demonstrating that nothing of significance was being withheld, given the "allegations" which have been associated with this case. The Ministers concluded, however, that it would not be in the public interest to adopt a policy of releasing, simply for this purpose, documents that would otherwise be withheld, on the basis that such an approach would effectively mean that, for future cases, applicants might feel that their chance of accessing information would be enhanced if, regardless of the reality of the case, similar allegations were to be made.
128. The Commissioner will take account of the general approach taken by the Ministers when considering the public interest test in relation to each of the following exemptions, where relevant.

Section 33(1)(b) Substantial prejudice to commercial interests

129. In terms of section 33(1)(b) of FOISA, information is exempt information if its disclosure under FOISA would, or would be likely to, prejudice substantially the commercial interests of any person (including a Scottish public authority).



130. The Ministers have specifically relied on this exemption to withhold two documents which relate to internal accounting.
131. The Commissioner considers that there is information contained in these documents which does not fall within the scope of Mr and Mrs McKie's requests, given that it relates to matters which are entirely unconnected with the Shirley McKie case. He does not require this information to be disclosed.
132. The Commissioner has considered the information which falls within the scope of the request and takes the view that the disclosure of some of the information, such as that contained in the internal accounting forms used by the Ministers, which contain details of cost centres and account numbers, etc., would, or would be likely to, prejudice substantially the commercial interests of the Ministers, on the basis that it could undermine their internal accounting practices and increase the likelihood of fraud.
133. The documents also contain invoices from Faculty Services Ltd. Although the Ministers have withheld these under the exemption in section 33(1)(b), at least in relation to the two documents in question, he considers that they are more appropriately dealt with under the exemption contained in section 36(1) (see the discussion on such invoices below). As such, he will not consider these here, but will consider them later.
134. The documents also contain details of payments made to counsel. The Commissioner does not accept that disclosure of this information would, or would be likely to, prejudice substantially either the commercial interests of the Ministers or of counsel, given that it is not clear from the invoices the level of work being carried out by counsel or the hourly cost to the Ministers of advice from counsel.
135. Finally, the documents contain information about court fees. Given that fees are fixed by the Court of Session, the Commissioner does not consider that disclosure of this information would, or would be likely to, prejudice substantially the Ministers' commercial interests.
136. Given that the Commissioner has found that the information in the internal accounting forms is exempt under section 33(1)(b) of FOISA, he must go on to consider the public interest test contained in section 2(1)(b) of FOISA.
137. The Commissioner considers that there is little, if any, public interest in the disclosure of this information; the information would not add to the public understanding of the Shirley McKie case. However, the Commissioner finds that there is a public interest in maintaining the exemption, given the possibility of undermining the Ministers' internal accounting practices. On balance, therefore, he finds that the public interest in disclosing this information is outweighed by the public interest in maintaining the exemption.



138. In the Schedule of Documents, there are a number of other documents which also relate to internal accounting, known by names such as “SEAS Journal Request Forms.” The Commissioner notes, from the Schedule provided to him by the Ministers, that information in some of these documents has been withheld under section 36(1) and that, in other cases, the Ministers have disclosed to Mr and Mrs McKie the amount of the court fees contained in the invoice and that it is not clear what, if any, exemptions have been used to withhold the remainder of the information appearing in these documents. The Commissioner considers that the same approach should be taken for these documents, as for the documents referred to above. This means that the Ministers are entitled to withhold internal accounting forms (on the basis that they are exempt under section 33(1)(b) of FOISA), information which does not relate to the Shirley McKie case and invoices from Faculty Services Ltd (on the basis that they are exempt under section 36(1) of FOISA – see below). However, the Ministers should, where they have not already done so, disclose to Mr and Mrs McKie the amounts paid in relation to court fees and the amounts paid to counsel.

Section 35(1)(c) Substantial prejudice to administration of justice

139. Under section 35(1)(c), information is exempt information if its disclosure would, or would be likely to, prejudice substantially the administration of justice. The term “administration of justice” is not defined in FOISA, but the Commissioner considers that it refers widely to matters relating to the working of the courts and of tribunals. Examples might include principles such as the right to a fair trial and ensuring that individuals have access to justice.
140. The exemption is subject to the public interest test required by section 2(1)(b) of FOISA.
141. The Ministers applied this particular exemption to only one document on the basis that the disclosure of the information in the document would indicate how the Crown deals with expert witnesses against whom allegations have been made. Although the information in the document considers the potential future role of certain individuals, the Ministers’ concerns go beyond these individuals; they are concerned that the information could be used by defence agents in future trials to undermine the evidence given by the witnesses, thus prejudicing substantially the administration of justice.
142. The Ministers also drew attention to certain subsequent events which they argued showed the sensitivity of the information in this case.
143. The Commissioner has considered carefully the information contained in the document in question, but has been unable to come to the conclusion that disclosure of the information would, or would be likely to, prejudice substantially the administration of justice. The information relates to the specific circumstances of certain individuals and to the special circumstances which surrounded the work of the SCRO at the time. The Commissioner notes that much of this is already publicly known.
144. He has also considered the wider concerns raised by the Ministers in relation to other expert witnesses, but considers that the circumstances are so specific to what was happening to the SCRO at the time, that it is highly unlikely that the information in the document could be used as a basis on which to undermine the evidence of other witnesses in future.



145. As such, the Commissioner does not consider that the disclosure of the information contained in the document in question would, or would be likely to, prejudice substantially the administration of justice.
146. Given that the Commissioner has found that the exemption does not apply, he is not required to go on to consider the public interest test in section 2(1)(b) of FOISA.

Section 36(1) Legal professional privilege

147. As can be seen from the Schedule of Documents, the exemptions in sections 29(1)(a), 30(b) and 36(1) have been applied to almost all of the remaining documents. Given the specific issues raised by the exemption in section 36(1), which the Commissioner will now go on to discuss, the Commissioner will address this exemption before going on to consider the exemptions in sections 29(1)(a) (and (b)) and 30(b). Where he finds that the exemption in section 36(1) applies, he will not go on to consider whether any of the other exemptions cited by the Ministers apply to the information.
148. Section 36(1) of FOISA exempts information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings. One type of communication which falls into this category is communications which are subject to legal professional privilege.
149. The Ministers have applied the exemption in section 36(1) to a large amount of the information withheld from Mr and Mrs McKie; as noted above, the information which appears to have been withheld from them appears to be largely the information which is contained in the Ministers' litigation file. However, although a large number of *documents* have been withheld from Mr and Mrs McKie, it is worth noting that many of the documents listed in the Schedule are repeated and that much of the *information* is therefore repeated. Similarly, many of the documents in the Schedule are drafts which have been circulated for comment. Legal advice to Ministers, for example, can go through a large number of drafts before the advice is given. It would be wrong to imagine that the information which has been withheld relates to a large number of separate requests for legal advice or actual legal advice.
150. The communications which have been withheld under section 36(1) cover advice on the question of the Ministers' liability for the actions of fingerprint officers working for the SCRO and work involved in defending (and subsequently settling) the civil action for damages raised by Shirley McKie against the Ministers, including instructing an independent fingerprint expert, Mr Ian MacLean, to provide a report to the Ministers. Much of the advice is given by the Ministers' in-house solicitors, but junior and senior counsel are involved throughout. Invoices have also been withheld under this exemption, usually invoices from Faculty Services Ltd. In addition, the file includes requests for legal advice on how Ministers should respond to letters from parties with an interest in the Shirley McKie case, most notably MSPs (both those representing Shirley McKie and those representing the fingerprint officers) and on the role to be taken by the Ministers in debates proposed to take place in Parliament while the civil action was still live. Similarly, advice is sought and given on responding to a wide range of Parliamentary Questions submitted by MSPs.



151. As noted above, one type of communication covered by the exemption in section 36(1) is legal professional privilege. Legal professional privilege can itself be split into two categories – legal advice privilege and litigation privilege (also known as communications *post litem motam*). Much of the information which has been withheld is covered by both types of privilege.
152. There are certain requirements which must be met for legal advice privilege to apply, for example:
- the information must relate to communications with a legal adviser
 - the legal adviser must be acting in their professional capacity and the communications must occur in the context of the professional relationship with their client
 - the information must be confidential; before information can attract legal advice privilege, the information must have been – and must continue to be – confidential between a legal adviser and their client
153. The scope of legal advice privilege is wide. For example, the following types of information may be covered:
- presentational advice – i.e. advice about how best to present evidence
 - communications seeking legal advice
 - copied correspondence - e.g. where a client provides a legal adviser with additional information on the subject about which advice is being sought
 - notes made by a legal adviser – notes of telephone calls and summaries of a case file with opinions and suggestions made by a legal adviser may be covered by the exemption in section 36(1)
154. Litigation privilege is a distinct aspect of legal professional privilege, extending beyond communications between solicitor and client. It extends to documents created in contemplation of litigation (such as expert reports) and to communications at the stage when litigation is either pending or being considered. The timing of the creation of information will therefore be relevant to assessing whether litigation privilege applies. In this case, it is clear from one of the earliest documents withheld from Mr McKie, that the Ministers were aware that Shirley McKie intended to raise a civil action for damages against the SCRO and, indeed, the Ministers seek legal advice on the question of whether they are liable for the actions of fingerprint officers in one of the earliest pieces of information to be withheld. The last document in the Schedule is dated October 2004, i.e. before the case was settled and while Shirley McKie's damages action was still live. It is therefore clear that much of the information which has been withheld was withheld in contemplation of litigation.
155. There are some situations in which legal professional privilege will not apply, e.g. where privilege has been waived. However, no submissions have been made to the Commissioner that privilege has been waived and the Commissioner, during his investigation, has not found any evidence of privilege having been waived.



156. Having considered the documents which have been withheld under section 36(1), the Commissioner is satisfied that all of the information, except for a small number of invoices, are subject to legal professional privilege in that they comprise information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings. As a result, he is satisfied that these documents are exempt from disclosure under section 36(1) of FOISA.
157. As noted above, the Ministers have withheld a number of invoices on the basis that they are exempt under section 36(1). The Commissioner considers that invoices are capable of attracting privilege, particularly if their contents give an indication of the nature of the legal advice given.
158. In the case of the invoices from Faculty Services Limited (and the invoice from Berkeley Security Bureau (Forensic Ltd)), the invoices state the work which is being charged for. The disclosure of this information, together with information as to the period during which the work was charged for, discloses information about either the facts disclosed by the Ministers to their lawyers, the advice given based on those facts or the resulting litigation strategy developed by client and lawyer. As such, the Commissioner is satisfied that this information is privileged and is exempt under section 36(1) of FOISA.
159. However, not all of the invoices are of this type. A small number of the invoices are from law and commercial copying offices and, given that their role in this case is, for example, to prepare copies of documents for the court in terms of the court rules, the Commissioner does not accept that these invoices attract privilege. Similarly, there are a small number of invoices from the Court of Session in relation to court dues. Again, the Commissioner does not consider that these attract privilege. As such, he is not satisfied that they are exempt under section 36(1).
160. He is, however, satisfied that the remaining invoices do indicate the approach being taken by the Ministers and their solicitors and he is therefore satisfied that the information does attract privilege and is exempt from disclosure under section 36(1).
161. As noted above, the exemption in section 36(1) is subject to the public interest test set out in section 2(1)(b) of FOISA, the requirements of which are set out above.

Section 36(1) – public interest test

162. Although the Court of Session has yet to consider in any detail the public interest test in relation to the exemption in section 36(1) of FOISA, the equivalent test contained in the (UK) Freedom of Information Act 2000 (FOIA) has been considered by the High Court in the case of *Department for Business, Enterprise and Regulatory Reform v Information Commissioner and O'Brien* [2009] EWHC 164 (QB).



163. While not binding on the Commissioner, the Commissioner broadly agrees with the reasoning set out by the High Court and has adopted that reasoning here. He has also taken account of the guidance given in his briefing on the exemption in section 36(1) of FOISA².
164. In the High Court, Mr Justice Wynn Williams upheld a line of decisions from the Information Tribunal in which it was determined that there is a significant in-built weight of public interest in maintaining the equivalent of the section 36(1) exemption in FOISA (the equivalent exemption is contained in section 42 of FOIA).³ This is, according to Mr Justice Wynn Williams, because of the strong constitutional importance attached to legal professional privilege and, thereby, the protection of free and frank communications between lawyers and their clients. This was summed up, according to Mr Justice Wynn Williams, in the case of *R v Derby Magistrates Court ex parte P* [1996] 1 AC487, where Lord Taylor stated at page 507D:

“Legal professional privilege is much more than an ordinary rule of evidence, limited in its application to the facts of a particular case. It is a fundamental condition on which the administration of justice as a whole rests.”

165. Mr Justice Wynn Williams stated at paragraphs 41 and 53 of his judgement:

“It is also common ground, however, that the task of the Tribunal, ultimately, is to apply the test formulated in section 2(2)(b) [of FOIA, the equivalent of section 2(1)(b) of FOISA]. A person seeking information from a government department does not have to demonstrate that “exceptional circumstances” exist which justify disclosure. Section 42 is not to be elevated “by the back door” to an absolute exemption. As [counsel for the Information Commissioner] submits in her Skeleton Argument, it is for the public authority to demonstrate on the balance of probability that the scales weigh in favour of the information being withheld. That is as true of a case in which section 42 is being considered as it is in relation to a case which involves consideration of any qualified exemption under FOIA. Section 42 cases are different simply because the in-built public interest in non-disclosure itself carries significant weight which will always have to be considered in the balancing exercise once it is established that legal professional privilege attaches to the document in question.

...

The in-built public interest in withholding information to which legal professional privilege applies is acknowledged to command significant weight. Accordingly, the proper approach for the Tribunal was to acknowledge and give effect to the significant weight to be afforded to the exemption; in any event ascertain whether there were particular or further factors in the instant case which pointed to non-disclosure and then consider whether the features supporting disclosure (including the underlying public interests which favoured disclosure) were of equal weight at the very least.”

² The briefing can be viewed here: <http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/section36/Section36.asp>

³ An appeal can be made to the Information Tribunal against a decision of the (UK) Information Commissioner; in Scotland, there is no such Tribunal and all appeals are heard initially by the Court of Session.



166. Without necessarily adopting the terminology of an “in-built public interest in non-disclosure”, the Commissioner agrees that there are intrinsic public interest arguments in favour of maintaining the exemption and against disclosure of information to which the exemption applies. However, this does not make section 36(1) a *de facto* absolute exemption and, in the particular circumstances of any case, the balance of the public interest may favour disclosure.
167. The Commissioner considers it useful at this stage to summarise the public interest arguments made by both Mr and Mrs McKie and by the Ministers.
168. During the investigation, Mr McKie was invited to make submissions specifically on the public interest in the disclosure of information which is subject to legal professional privilege. While Mr McKie chose not to do this, the Commissioner has taken into account the general public interest arguments made earlier in the process by Mr and Mrs McKie. These are summarised below and will be referred to later in this decision, as the same arguments are applied to other exemptions.
169. Mr and Mrs McKie’s public interest arguments focus on the general issues raised by this case. They comment that the information which has been withheld represents a matter which is very much in the public interest to “ventilate.” They are of the view that public opinion is strongly in favour of revealing what happened to Shirley McKie, as evidenced by the degree of media interest and public support. They state that the public have decided that it is extremely important that the Ministers are seen to deal with this case in an open and accountable way and that the refusal generally by the Ministers to disclose such a large amount of information is contrary to open government.
170. Mr and Mrs McKie also comment that many important questions concerning the behaviour of the Ministers, the Lord Advocate, the Crown Office and the SCRO cannot be answered without recourse to the information which has been either withheld or redacted.
171. The Ministers have made specific arguments regarding the disclosure of legal advice. They consider that the danger in disclosure of legal advice is twofold – first, it would unreasonably expose legal positions to challenge and, second, it may diminish the range and quality of that advice in future, which would in turn damage the quality of the Ministers’ decision making.
172. The Ministers have also argued that there is a public interest in ensuring that they can discuss relevant issues with their solicitors and give and receive legal advice in confidence. They argue that decisions taken by the Ministers must be taken, where appropriate, in a fully informed legal context, which may set out the arguments for and against a particular issue. Without such comprehensive advice, the quality of the Government’s decision making would be restricted, which would not be in the public interest.
173. The Ministers have also referred to the importance which the courts place on the strong public interest in maintaining the right to confidentiality of communications between legal advisor and client on administration of justice grounds and take the view that such communications should be released only in highly compelling cases. The Ministers do not consider that there are compelling reasons in this case for releasing the legal advice which has been withheld.



174. In line with the recommendation made by Mr Justice Wynn Williams, the Commissioner will now go on to consider the factors both in favour of non-disclosure (i.e. in maintaining the exemption) and in favour of disclosure. He will then weigh the two and, if he finds that the public interest in disclosure is equal to, or more than, the public interest in maintaining the exemption, he will order the information to be disclosed.

The factors in favour of maintaining the exemption (non-disclosure of the information)

175. The factors in favour of maintaining the exemption can be summarised as follows:

- there is a significant intrinsic public interest in withholding information to which legal professional privilege applies. There is a strong public interest in allowing public authorities, as with any other person or body, to conduct a free exchange of views as to their legal rights and obligation with those advising them without fear of intrusion, save in the most clear cases.
- the public interest reasons for maintaining legal professional privilege are particularly strong, given that the purpose of the privilege is to serve the administration of justice and to safeguard the right of any person (including any public authority) to obtain frank and realistic legal advice.
- there is nothing in the information which has been withheld which would reveal wrongdoing by an authority or which would disclose misrepresentation to the public (or others) of advice received (or of an apparently irresponsible or wilful disregarding of advice).
- at the time the review was carried out, i.e. at the end of 2006, the advice was relatively recent. (The Commissioner notes some Information Tribunal cases which consider advice which was six years old to be “still relatively recent” and advice which is 10 years old to be “not recent”.) The information in question dates from 2002 to 2004. Ms McKie’s damages claim was still live nine months before the review was carried out.

The factors in favour of disclosing the information

176. The factors in favour of disclosing the information can be summarised as follows:

- there is recognised to be a general public interest inherent in freedom of information
- there is a public interest in knowing that Scotland has a fingerprint service which ensures that correct identifications are made and that justice can be served
- there is a public interest in disclosing information if it reveals wrongdoing or misrepresentation by the Ministers
- there is a public interest in knowing whether the Ministers knew whether or not the fingerprint in question belonged to Shirley McKie and whether the Ministers held information which could determine whether Scottish fingerprinting standards or processes were inadequate, thereby calling into question other convictions
- there is a wide-ranging interest in standards of evidence, identification and the prosecution of criminal offences



- relatively significant sums of public money have been expended. In general the view may be taken that the bigger the amount of public money at stake, the greater the public interest in disclosing information (the Commissioner notes that Information Tribunal decisions where legal advice has been ordered to be disclosed considered the use of £70 million in tunnel toll income or a £1 billion pension fund. Clearly, the costs of litigation in this case were markedly lower than this, but the Commissioner considers that it will be relevant to consider the costs to the Scottish purse if it were to be found that the identification of fingerprints was questionable)

Weighing the factors in favour of maintaining the exemption and in favour of disclosing the information

177. The Commissioner first of all notes the intrinsic public interest in withholding information to which legal professional privilege applies. There is a strong public interest in allowing public authorities, as with any other person or body, to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear cases. The public interest reasons for maintaining legal professional privilege are particularly strong, given that the purpose of the privilege is to serve the administration of justice and to safeguard the right of any person (including any public authority) to obtain entirely frank and realistic legal advice. The Commissioner considers that the arguments put forward by the Ministers as to why the information should not be disclosed all fall under this particular heading, given that they relate to matters such as diminishing the quality of legal advice received if it were known that the advice could be disclosed.
178. Mr McKie has argued that the refusal by the Ministers to disclose information is contrary to open government and that it is extremely important that Ministers are seen to deal with this case in an open and accountable way. The Commissioner takes the view that where there has been a significant lack of transparency on the part of a public authority, this will favour disclosure of the information. (He also considers that this must amount to more than mere curiosity about the content of advice.)
179. Mr McKie questions the behaviour of the Ministers, the Lord Advocate, etc. and is concerned that many issues cannot be answered without recourse to the information which has been redacted or withheld. The Commissioner takes the view that information which would reveal wrongdoing by an authority or which would disclose misrepresentation to the public (or others) of advice received (or of an apparently irresponsible or wilful disregarding of advice) would be a factor in favour of disclosure of privileged material.



180. The Commissioner has considered carefully the information that has been withheld. There are significant restrictions, by virtue of section 45 of FOISA, as to what he can say about what is contained in or can be concluded from that information. However, it is reasonable to say in general that he has considered whether there has been any evidence of wrongdoing or misrepresentation, the disclosure of which would be in the public interest. If, for example, he found evidence that Ministers had intentionally drawn out legislation or knew whether the fingerprint belonged to Shirley McKie, there would be public interest in the disclosure of this information. However, having considered the matter carefully, he has come to the view that the content of the information does not provide any such indications which would justify disclosure of the information on such grounds.
181. The Commissioner also notes the Opinion of Lord Hodge in Shirley McKie's action for damages against the Ministers⁴, which related to motions made on behalf of Shirley McKie seeking additional expenses under the Court of Session rules after the case had been settled. Counsel for Shirley McKie argued that additional costs should be paid to her on the basis that the Ministers had conducted the defence of the action in an unreasonable way. Counsel suggested that, while the Ministers' behaviour did not amount to an abuse of process, it was nonetheless so reprehensible that the award of expenses should be calculated on a higher scale. The Commissioner does not know what information Lord Hodge had access to when he came to this conclusion, although it is clear had access to the written pleadings in the damages action at their various stages, to the opinion of Lord Wheatley issued after a Procedure Roll debate⁵, to certain documents which counsel for both Shirley McKie and the Ministers referred him to, and to the *ex parte* statements of counsel as to what information was available to the Ministers at different times during the litigation. Having taken this into account, as well as the submissions for both sides, Lord Hodge came to the conclusion that the Ministers had not acted unreasonably or reprehensibly in their conduct of the action for reasons set out in full in his Opinion.
182. Perhaps the most pressing factor in favour of disclosure is the public interest in knowing that Scotland has a fingerprint service which ensures that the correct identification is made and that justice can be served. In this case, it could be argued that the public interest in disclosure of the information is great because of the number of people who have an interest in standards of evidence, identification and the prosecution of criminal offences. The Commissioner is aware of the interest raised by this issue not only within Scotland, but internationally.
183. The Commissioner generally accepts that this is a significant consideration and concludes elsewhere in the decision that it justifies the disclosure of information in the public interest. However, having considered the specific information to which this exemption applies, on balance, the Commissioner has come to the conclusion that the public interest in maintaining the exemption in section 36(1) of FOISA outweighs the public interest in the disclosure of the information. In coming to this conclusion, he has in particular taken account of the very strong public interest in maintaining legal professional privilege on effective public administration grounds.

⁴ [2006] CSOH 54

⁵ 2004 SLT 982



184. It is clear that the exemption in section 36(1) is not an absolute exemption and, given the factors set out above which highlight the various public interest arguments in favour of disclosing the information and in the Shirley McKie case in general, the Commissioner wishes to make it clear that he has not treated the exemption as absolute in this case. In the circumstances of this particular case, had the Commissioner come to the conclusion that information indicated that the Ministers had acted unreasonably or reprehensibly, he would have ordered disclosure of the relevant information.
185. The Commissioner will now go on to consider the other exemptions relied on by the Ministers. As noted above, most of the information was withheld on the basis of exemptions in sections 29(1)(a) and (b), 30(b) and 36(1). Where the Commissioner has determined that information is exempt under section 36(1) (and that the exemption should be maintained), he is satisfied that the information should be withheld and will not go on to consider any of the other exemptions applied to the information in question.

Section 29(1)(a) – formulation or development of government policy

186. Under section 29(1)(a) of FOISA, information held by the Scottish Administration is exempt information if it relates to the formulation or development of government policy. The Commissioner takes the view that “formulation” of government policy suggests the early stages of the policy process where options are identified and considered, risks are identified, consultation takes place and recommendations and submissions are presented to the Ministers. “Development” suggests the processes involved in reviewing, improving upon or amending existing policy; it can involve piloting, monitoring, analysing, reviewing or recording the effects of existing policy.
187. As can be seen from the Schedule of Documents, a large proportion of the information withheld has been withheld on the basis that it relates to the formulation or development of Government policy. The information in these documents was withheld, either in whole or in part, because the information relates to the determination of the government’s evolving policy position (including the presentation of that policy position) on the various issues raised by the Shirley McKie case.
188. The Commissioner is satisfied that the exemption in section 29(1)(a) has been used appropriately, and that the information in question does indeed relate to the formulation or development of government policy as outlined by the Ministers.
189. As noted above, this exemption is subject to the public interest test required by section 2(1)(b) of FOISA. The Ministers have stated that they recognise the considerable public interest in releasing information about the Shirley McKie case and that, in recognition of this fact, they have already released a significant amount of information. However, they believe that, in relation to the information which they have withheld, the public interest in disclosure is outweighed by the public interest in maintaining this exemption on the basis that there is a strong public interest in preserving some private space in which the Government can formulate and develop policy. According to arguments put forward by the Ministers, Ministers and officials need to be free to deliberate openly and frankly, to enable the full exploration of all possible solutions, including those proposals which may not be broadly politically acceptable.



190. Furthermore, according to the Ministers at the time they made their submissions, the Shirley McKie case involved ongoing policy issues, and the Government must be given the space to develop and formulate views and policies without fear that their deliberations will be released which could close off discussions on some options. According to the Ministers, they need to be free to discuss all options among themselves, and their candour in doing so will be affected by their assessment of whether the content of their discussions will be disclosed in the near future, especially when it may undermine or constrain the Government's view on an issue which is ongoing.
191. The Ministers believe that there is also a public interest in ensuring that the Government can conduct rigorous and candid risk assessments of its policies, including consideration of the pros and cons, without there being premature disclosure which might close off discussion and the development of better options, and without fear that the exploration of potential solutions would be subdued or inhibited.
192. Additionally, the Ministers have commented that nothing in the information which has been withheld appears to be of such significance that its release would lead to better off-setting benefit in terms of greater knowledge and understanding.
193. The Commissioner has decided that, given the similarity in the public interest arguments put forward by the Ministers in relation to the exemption in section 29(1)(a) to the arguments put forward in relation to the exemptions in section 29(1)(b), he will address these together.

Section 29(1)(b) – Ministerial communications

194. Under section 29(1)(b) of FOISA, information held by the Scottish Administration is exempt information if it relates to Ministerial communications. The Commissioner considers that this may include communications made on behalf of Ministers by their private office.
195. This exemption is subject to the public interest test required by section 2(1) of FOISA.
196. The Ministers withheld some information from Mr and Mrs McKie on the basis that it relates to communication between Ministers, including communications between Ministerial Private Secretaries on behalf of their Ministers.
197. Having considered the information which has been withheld under section 29(1)(b), the Commissioner is satisfied that the information which has been withheld has been correctly withheld under section 29(1)(b), in that it relates to Ministerial communications.



198. Again, when commenting on the public interest test when considering this particular exemption, the Ministers state that they have recognised the considerable public interest in releasing information about the Shirley McKie case and, consequently, have already released a significant amount of information. However, they believe that, in relation to the documents which they have withheld, the public interest in disclosure is outweighed by the public interest in maintaining the exemption, because they believe that there is a strong public interest in preserving some private space in which Ministers can communicate with their colleagues and functions collectively as “the Scottish Ministers”. They argue that Ministers need to be free to deliberate openly and frankly, to enable the full exploration of all possible solutions including those which may not be broadly politically acceptable.
199. The Ministers also argued, at the time of making their submissions, that the Shirley McKie case was very much an ongoing area of discussion. As a result, they believe that Ministers must be given the space to develop and formulate views and policies without fear that their deliberations will be released which could close off discussions on some options. They need to be free to discuss all options amongst themselves and their candour in doing so will be affected by their assessment of whether the content of their discussions will be disclosed in the near future, especially when, as in this case, it may undermine or constrain the Government’s view on an issue which is ongoing.
200. The Ministers have also argued that there is a public interest in ensuring that Ministers can conduct rigorous and candid risk assessments of their policies, including consideration of the pros and cons, without there being premature disclosure which might close off discussion and the development of better options and without fear that the exploration of potential solutions would be subdued or inhibited.
201. Again, the Ministers submitted that nothing in the withheld information appears to be of such significance that its release would lead to off-setting benefit in terms of greater knowledge and understanding.

Sections 29(1)(a) and (b) - public interest test

202. The exemptions in section 29(1)(a) and (b) are subject to the public interest test set out in section 2(1)(b) of FOISA. Therefore, although the Commissioner has determined that the exemptions apply, he is required to go on to consider whether the public interest in the maintenance of the exemption outweighs the public interest in the disclosure of the information. Unless it does, he must order disclosure of the information.
203. The Commissioner has noted the concerns of the Ministers about the disclosure of the information withheld under these exemptions, which focus on the effect which the disclosure of the information could have both to matters related to the Shirley McKie case and, more generally, to future policy formulation and development and to Ministerial communications in the future.
204. He has also noted the public interest arguments put forward by Mr and Mrs McKie (which are set out more fully above) and which focus on the very significant degree of public interest in this particular matter.



205. While the Commissioner understands the basis of the concerns raised by the Ministers, he does not consider that the disclosure of the information in question in this particular case would justify withholding the information, particularly when weighed against the public interest in the disclosure of information in this particular case. There is a significant public interest in knowing that Scotland has a fingerprint service which ensures that correct identifications are made and that justice can be served and there are a considerable number of people who have an interest in standards of evidence, identification and the prosecution of criminal offences.
206. In addition, the Commissioner does not consider that disclosing the information would be premature, but instead takes the view that disclosure of the information would provide an insight into the key steps taken to develop the policy in question, thereby contributing to the public interest.
207. On balance, therefore, the Commissioner has come to the conclusion that the public interest in the disclosure of the information outweighs that in the maintenance of the exemptions in section 29(1)(a) and (b) of FOISA.

Section 30(b)(i) and (ii) – free and frank advice or exchange of views

208. Under section 30(b) of FOISA, information is exempt information if its disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice (section 30(b)(i)) or the free and frank exchange of views for the purposes of deliberation (section 30(b)(ii)). Public authorities must assess whether officials or other parties would be deterred from providing advice or views for deliberation in future, if information is disclosed, and consider whether this would cause significant harm to the way in which they carry out their business. Although it may be difficult to judge how likely it is that disclosure would cause officials to be inhibited from providing advice or views, the exemption cannot be applied unless there are reasonable grounds for anticipating that disclosure would, or would be likely to cause, substantial inhibition.
209. In assessing the sensitivity of information, the Commissioner takes account of matters such as the subject matter; the content of the information; the manner in which advice or an opinion is expressed and the timing of the disclosure. The Commissioner recognises, for example, that releasing advice or opinions while a decision is being considered, and for which further views are still being sought, might be more substantially inhibiting than after a decision has been taken.
210. Both of the exemptions in section 30(b) are subject to the public interest test required by section 2(1) of FOISA.



211. A significant proportion of the information withheld by the Ministers has been withheld under these exemptions. According to the Ministers, they applied these exemptions on the basis that an organisation must have an ability, and continue to have an ability, to communicate freely and frankly. The Ministers comment that an organisation's position on any issue does not typically emerge fully formed. Rather, it is usually the result of careful discussion and the exchange of views of various internal and, sometimes, external stakeholders. For the Government, this process includes providing advice to Ministers, who must make the ultimate judgement. It is, according to the Ministers, vital that they and officials feel able to, and indeed do, express and debate their views frankly and confidentially. The Ministers clearly believe this is especially important when the information relates to what they describe as a sensitive and controversial case, particularly on which work was, at the time of the Ministers' submissions, ongoing.
212. As noted above, the exemptions in section 30(b) are subject to a "harm test", in that they can apply only where disclosure would, or would be likely to, inhibit substantially, the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation.
213. The Ministers consider that disclosure of specific communications, often (although not necessarily) containing advice and discussion, would be likely to inhibit substantially the free and frank provision of advice and exchange of views for the purpose of deliberation. The Ministers have submitted that it is very likely that exchanges of this nature would be jeopardised if these communications were considered suitable for release while the issues are still relevant to the development of current policy or thinking in what is a sensitive area. They believe that officials could feel constrained from offering full and frank advice on future occasions if they were concerned that their comments would be made public in such circumstances. This would, according to the Ministers, be to the substantial detriment of the policy and decision-making process.
214. The Commissioner will first of all consider whether disclosure of the information in question would, or would be likely to, inhibit substantially the free and frank provision of advice and/or, as relevant, the free and frank provision of exchange of views for the purposes of deliberation.
215. There is no definition of substantial prejudice in FOISA, but the Commissioner takes the view that, in order to claim either of the exemptions in section 30(b), the damage caused by disclosing the information must be both real and significant, as opposed to hypothetical or marginal, and that the damage would have to occur in the near future, and not at some distant time.
216. In addition, it should be noted that the exemptions can only be applied where disclosure would, or would be "likely", to cause harm. The Commissioner therefore takes the view that there must be a significant probability that the required degree of harm would occur in order for the exemptions to apply. The Commissioner expects public authorities to be specific about the type of harm which is, or would be, likely to occur. If there is only a remote possibility that the conduct of public affairs will be harmed by officials or other parties being inhibited from providing advice or exchanging views, then the exemptions will not apply.



217. A wide range of information has been withheld under either or both of these exemptions. In many cases, the advice or exchanges are communicated and received as part of the individuals' expected day-to-day professional functions, despite the fact that the subject matter of the advice or exchanges relates to such a high profile matter. The Commissioner considers that this diminishes the risk of substantial inhibition.
218. On the other hand, the Commissioner considers that the sensitivity of the advice or views may be relevant in considering whether disclosure would, or would be likely to, inhibit substantially the provision of advice or exchange of views. In looking at the question of sensitivity, the Commissioner will take account of matters such as the subject matter of the advice or opinion, the content of the advice or opinion, the manner in which the advice or opinion is expressed and timing.
219. The Commissioner has considered each of the documents withheld under these exemptions. However, given the large number of documents withheld, the Commissioner has will set out his findings in general terms, rather than commenting separately on each document. (The Ministers themselves have given only very general submissions covering a wide range of information, and these are summarised above.) The Commissioner considers it sufficient to say that there are some exchanges, the disclosure of which would not, and would not be likely to, inhibit substantially either the provision of advice or the exchange of views for the purposes of deliberation. In particular, the disclosure of information which relates to exchanges in relation to matters which were concluded at the time of Mr and Mrs McKie's requests (such as on the question of liability for the fingerprint officers in question or in relation to drafting responses to PQs and correspondence), particularly where the exchanges were administrative or were parts of an individual's everyday professional activities, is, in the Commissioner's view, unlikely to inhibit substantially, or be likely to inhibit substantially, the provision of advice or exchange of views, either in relation to this particular case or more generally.
220. On the other hand, the Commissioner accepts that the disclosure of some of the information, particularly where it relates to matters which were still ongoing at the time of Mr and Mrs McKie's requests (e.g. in relation to Shirley McKie's action for damages), would or would be likely to inhibit substantially the provision of advice or the exchange of views, particularly in relation to the matter in question, if not more generally.
221. Given that the Commissioner has determined that some of the information in question is exempt under either section 30(b)(i) and/or section 30(b)(ii), he is required to go on to consider the public interest test as set down in section 2(1)(b) of FOISA in relation to that information. However, given the wide range of information being withheld under these exemptions, and the subject matter of the information which has been withheld, the Commissioner considers it appropriate to consider the public interest in relation to all of the information which has been withheld under the exemptions in section 30(b).

Public interest test

222. The requirements of the public interest test as set down in section 2(1)(b) have already been addressed at various points in this decision.



223. As with the other exemptions which are subject to the public interest test, the Ministers state that they have recognised the considerable public interest in releasing information about the Shirley McKie case, as a result of which they have already disclosed a significant amount of information. However, they believe that, in relation to the documents which have been withheld, the public interest in disclosure is outweighed by that in maintaining these exemptions.
224. The Ministers have commented that there is a strong public interest in high quality policy and decision making and that, for Government to succeed in upholding that public interest, officials need to be free to consider, as in any other organisation, all available options, however unpalatable. They need to be able to debate those options rigorously, to expose all their merits and demerits and to understand their possible implications, without the fear of premature disclosure which might close off discussion and development of better options. Their candour in doing so will be affected by their assessment of whether the content of their discussions will be disclosed in the near future, especially when it may undermine or constrain the Government's view on settled policy or policy that is at the time under discussion and development. The Ministers have also argued that inappropriate disclosure also has the potential, not only to limit the full and frank discussion of issues between Ministers and officials, but may also distort public perceptions of advice provided by officials. The prospect of early disclosure therefore has the potential to affect the impartiality of the advice provided.
225. The Ministers also believe that, in this particular case, releasing the information would add nothing significant to the public understanding of this issue, because there is already a good deal of information in the public domain and the disclosure of the information which has been withheld would not add anything new or useful.
226. Again, the Ministers have argued that it is in the public interest for Ministers to be able to rely on high quality advice, particularly in decision-making where issues are of such a highly contentious nature as they are in this case. The Ministers consider that there is a strong public interest in maintaining the integrity of the process of giving free and frank advice in this sort of case. The knowledge of possible disclosure might inhibit provision of advice in the future and impair the candour and freedom with which papers are prepared, deliberated and revised in future. This, in turn, is likely to have a detrimental effect on the efficiency and quality of decision-making.
227. The Ministers have also argued that there is a strong public interest in ensuring that, where necessary, advice in the areas of ongoing policy development can take place in a non-public area which will enable rigorous and frank debate without fear that such considerations will be picked over out of context. They argue that it is in the public interest for decision-making to be based on the best advice available, with a full consideration of all the options, including those that may not be immediately considered to be broadly politically acceptable.
228. One aspect of this, according to the Ministers, is the public interest in protecting the impartiality of the civil service. This applies where a particular release of official advice might create the risk that officials could come under political or public pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making.



229. The Ministers comment that while they appreciate that the public interest test must be considered on a case by case basis, it can also be that the information requested relates to an important and ongoing process, in this case, the inquiries into the Shirley McKie case, and there can be a public interest in the protection of a process in itself. For example, the Ministers argue that there is a public interest in protecting internal communications in cases where the likely effect of releasing information would be the suppression of effective communication in the future, for example, because the advice or deliberations would be oral instead of being written down. However, the Ministers recognise that it is not the case that the public interest lies in withholding internal communications simply because officials have used strong or trenchant language.
230. The general public interest arguments made by Mr and Mrs McKie are set out above. These focus on the very substantial media and public interest in finding out what happened to Shirley McKie and in ensuring that the Ministers are seen to deal with the whole case in an open and accountable way.
231. The Commissioner has considered carefully the different views put forward by the Ministers and by Mr and Mrs McKie, and has come to the conclusion that, on balance, the public interest in the maintenance of the exemptions is outweighed by the public interest in the disclosure of the information.
232. While he notes the concerns raised by the Ministers as to the possible effects which the disclosure of the information could have on the quality of advice given to Ministers, in general, he does not consider that the disclosure of the information in question would justify withholding the information in this case, particularly when weighed against the public interest in the disclosure of information in this particular case, such as the public interest in knowing that Scotland has a fingerprint service which ensures that correct identifications are made and that justice can be served, and the number of people who have an interest in standards of evidence, identification and the prosecution of criminal offences. While the exemptions in section 30(b) are subject to the public interest test, there is not the same intrinsic public interest in maintaining the exemption as there is with the section 36(1) exemption.
233. The Commissioner concludes that, on balance, the public interest in disclosure of the information in question outweighs the public interest in maintaining the exemption. While he recognises the concerns which the Ministers may have about the disclosure of the information, he considers that the background to the Shirley McKie case is unique; the disclosure of information should reflect those unique circumstances and should not be viewed as suggesting that all information falling into this category should be disclosed in future. This should alleviate concerns about the general effect (sometimes referred to as the “chilling effect”) which disclosure of this type of information may have on public authorities.



DECISION

The Commissioner finds that the Scottish Ministers generally complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information requests made by Mr and Mrs Iain McKie. While the Commissioner finds that the Ministers were entitled to withhold information on the basis of the exemptions in sections 25(1), 33(1)(b), 36(1) and (2) and 38(1)(b) of FOISA, he finds that the Ministers were not entitled to withhold some or all of the remaining information under the exemptions in sections 36(1) and (2), 38(1)(b), 35(1)(c), 29(1)(a) and (b) and 30(b)(i) and (ii) of FOISA. The Commissioner's reasons for this are set out in detail above. In failing to disclose this information to Mr and Mrs McKie, the Commissioner finds that the Ministers failed to comply with Part 1 (and, in particular, with section 1(1)) of FOISA).

The Schedule of Documents attached to this decision sets out which information must be disclosed by the Ministers from the various parts of file DDX 15/1/1 and which information does not require to be disclosed. The Ministers must disclose the relevant information from Part 001 to Part 004 of file DDX 15/1/1 to Mr McKie and must disclose the relevant information from Part 005 to Part 012 of file DDX15/1/1 to Mrs McKie.

The Commissioner requires the Ministers to disclose the relevant information to Mr and Mrs McKie by 13 August 2010.

Appeal

Should either Mr McKie or the Ministers wish to appeal against this decision (in relation to the information in Part 001 to Part 004 of file DX 15/1/1) or should either Mrs McKie or the Ministers wish to appeal against this decision (in relation to the information in Part 005 to Part 012 of file DX 15/1/1), there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision notice.

Kevin Dunion
Scottish Information Commissioner
28 June 2010



Appendix

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002

1 General entitlement

- (1) A person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority.

...

- (6) This section is subject to sections 2, 9, 12 and 14.

...

2 Effect of exemptions

- (1) To information which is exempt information by virtue of any provision of Part 2, section 1 applies only to the extent that –

- (a) the provision does not confer absolute exemption; and
- (b) in all the circumstances of the case, the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

- (2) For the purposes of paragraph (a) of subsection 1, the following provisions of Part 2 (and no others) are to be regarded as conferring absolute exemption –

- (a) section 25;

...

- (c) section 36(2);

...

- (e) in subsection (1) of section 38 –

...

- (ii) paragraph (b) where the first condition referred to in that paragraph is satisfied by virtue of subsection (2)(a)(i) or (b) of that section.



25 Information otherwise accessible

- (1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.

...

29 Formulation of Scottish Administration policy etc.

- (1) Information held by the Scottish Administration is exempt information if it relates to-
- (a) the formulation or development of government policy;
 - (b) Ministerial communications;

...

30 Prejudice to effective conduct of public affairs

Information is exempt information if its disclosure under this Act-

...

- (b) would, or would be likely to, inhibit substantially-
- (i) the free and frank provision of advice; or
 - (ii) the free and frank exchange of views for the purposes of deliberation; or

...

33 Commercial interests and the economy

- (1) Information is exempt information if –

...

- (b) its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including, without prejudice to that generality, a Scottish public authority).

...



35 Law enforcement

- (1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially –
...
 - (c) the administration of justice

36 Confidentiality

- (1) Information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings is exempt information.
- (2) Information is exempt information if –
 - (a) it was obtained by a Scottish public authority from another person (including another such authority); and
 - (b) its disclosure by the authority so obtaining it to the public (otherwise than under this Act) would constitute a breach of confidence actionable by that person or any other person.

38 Personal information

- (1) Information is exempt information if it constitutes-
...
 - (b) personal data and either the condition mentioned in subsection (2) (the "first condition") or that mentioned in subsection (3) (the "second condition") is satisfied;
...
 - (2) The first condition is-
 - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998 (c.29), that the disclosure of the information to a member of the public otherwise than under this Act would contravene-
 - (i) any of the data protection principles; or
...
 - (i) any of the data protection principles; or



- (b) in any other case, that such disclosure would contravene any of the data protection principles if the exemptions in section 33A(1) of that Act (which relate to manual data held) were disregarded.

...

- (5) In this section -

“the data protection principles” means the principles set out in Part I of Schedule 1 to that Act, as read subject to Part II of that Schedule and to section 27(1) of that Act;

“data subject” and “personal data” have the meanings respectively assigned to those terms by section 1(1) of that Act;

...



Data Protection Act 1998

1 Basic interpretative provisions

(1) In this Act, unless the context otherwise requires –

...

“personal data” means 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;

...

2 Sensitive personal data

In this Act, “sensitive personal data” means personal data consisting of information as to –

...

(e) his physical or mental health or condition.

...

(g) the commission or alleged offence by him [the data subject] of any offence, or

(h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

Schedule 1 – The data protection principles

Part I – The principles

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.



Schedule 2 – Conditions relevant for purposes of the first principle: processing of any personal data

...

6. (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

Schedule 3 – Conditions relevant for purposes of the first principle: processing of sensitive personal data

- 5 The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.



Schedule of documents

Doc. No.		Description					
New	Old	Date	Title	From and to	Released/ exemptions applied	Release	
DDX 15/1/1 Part 001							
1.	10	13/01/2000- 18/01/2000	Frontline Scotland BBC Programme Advice to Minister	To Mr Rowell; Copied to others From Jan Raitt (Police Division)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
2.	11	13/01/2000- 18/01/2000	Frontline Scotland BBC Programme Advice to Minister	To Mr. Baxter; Copied to others From Jan Raitt (Police Division)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
3.	12	14/01/2000	Frontline Scotland BBC Programme Advice to Minister	To PS/Deputy First Minister; Copied to others From Jan Raitt (Police Division)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
4.	17	19/01/2000	Frontline Scotland Programme on 18 th January	To Sheena Maclaren SE From Jan Raitt SE	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
5.	26	01/02/2000	Case of Shirley McKie	To Michael Kellet (PS/Deputy First Minister) From Jeff Gibbons (Private Secretary)	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y	
6.	30	04/02/2000	Case of Shirley McKie	To PS/Deputy Minister for Justice; Mr.Hamill; Mr.Snedden; Mr.Rowell in Justice Department From PS/Deputy First Minister	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y	

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		Description					
New	Old	Date	Title	From and to	Released/ exemptions applied	Release	
7.	37	11/02/2000	Case of Shirley McKie	To Colin Baxter From Michael Kellet (PS/Deputy First Minister)	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y	
8.	38	11/02/2000	Case of Shirley McKie	To PS/Lord Advocate From Michael Kellet (PS/Deputy First Minister)	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y	
9.	51	07/03/2000	SCRO and the Shirley McKie Case Asking for ministerial agreement to HMCIC inspection of SCRO fingerprints	To PS/Deputy First Minister; Copied to others From I Snedden (SE)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
10.	52	09/03/2000	SCRO and the Shirley McKie Case	To I Snedden (SE) From Michael Kellet Deputy First Minister (Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
DDX 15/1/1 Part 002							
11.	19	22/05/2000	Scottish Parliament Motion SIM-871: Michael Russell (SNP)	To Minister for Parliament From Sheena Maclaren (SE)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
12.	20	23/05/2000	Scottish Parliament Motion SIM-871: Michael Russell (SNP) Request for briefing	To Sheena Maclaren (SE) From Andrew Miller (Policy Group, Crown Office)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
13.	21	25/05/2000	Question to Minister	To [DELETED] From Sheena Maclaren (SE)	Released with redactions S 38(1)(b)	N	
14.	22	05/06/2000	Question to Minister	To [DELETED] From Sheena Maclaren (SE)	Released with redactions S 38(1)(b)	N	

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
15.	24	07/06/2000	Case against [DELETED]. Attached letters	To W. Taylor (Chief Inspector) From Harry Bell (Detective Chief Superintendent)	Ss 30(b)(i) and (ii), 38(1)(b) (first condition)	Partial – redact sensitive personal data of accused
16.	26	20/06/2000	Question to Minister	To [DELETED] From Sheena Maclaren (SE)	Released with redactions S 38(1)(b) (first condition)	N
17.	28	21/06/2000	Correspondence re. HMCIC Investigation	To Jan Raitt (SE) From PS/JD	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
18.	30	22/06/2000	Briefing prepared for the McKie Statement	To First Minister; Copied to others From Joyce McClansburgh	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
19.	31	22/06/2000	Statement Prepared for First Minister	To Ian Snedden and John Rowell From Joyce McClansburgh	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
20.	71	07/07/2000	Correspondence re. actions on the Shirley McKie case	To Jim Wallace MSP From Colin Boyd	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y
21.	73	03/08/2000	SCRO Enquiry	To Deputy First Minister; Copied to others. From J. F. Rowell	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		Description				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
22.	75	04/08/2000	SCRO Enquiry	To John Rowell From Deputy First Minister (Minister for Justice)	Ss 29(1) (a), 30(b)(i) and (ii) - P.I.T.	Y
23.	81	03/08/2000	SCRO Enquiry	From J.F.Rowell To Deputy First Minister	Ss 29(1) (a), 30(b)(i) and (ii) - P.I.T.	Y
24.	89	17/08/2000	Letter of Advice on Investigation	To Colin Boyd From Jim Wallace	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y
25.	91	22/08/2000	The case of Shirley McKie Possible Claims for damages	To Alan Williams (Solicitor's Office) From Jan Raitt (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
26.	93	23/08/2000	The case of Shirley McKie Possible Claims for damages	To Jan Raitt (SE) From Alan Williams (Solicitors Office)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
27.	94	23/08/2000	SCRO Executive Committee – Fingerprint Bureau	To Colin Baxter (SE) From William Rae	30(b)(i) and (ii) – P.I.T.	Y
28.	95	24/08/2000	The case of Shirley McKie Possible Claims for damages	To Alan Williams (Solicitor's Office) From Jan Raitt (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
29.	96	30/08/2000	The case of Shirley McKie Possible Claims for damages	To Colin Baxter From Jan Raitt	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
30.	97	30/08/2000	Parliament and Solicitors	To Jan Raitt (SE) From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		Description				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
31.	98	31/08/2000	SCRO Fingerprint Bureau, Possible Claims for Damages. Attached Official report of SCRO statement	To Alan Williams (Solicitors Office) From Jan Raitt (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T. Part S 25(1)	N
32.	99	31/08/2000	Parliament and Solicitors	To Jan Raitt (SE) From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), P.I.T.	Y
33.	100	06/09/2000	Scottish Criminal Records Office Shirley McKie – Potential Damages Claim	To Jan Raitt (SE); Copied to others From Gordon McNicoll (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
34.	101	06/09/2000	Scottish Criminal Records Office Shirley McKie – Potential Damages Claim	To Alan Williams (Solicitors Office) From Jan Raitt (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
35.	102	07/09/2000	HMIC Report: SCRO (Fingerprint Bureau) Primary Inspection 2000	To PS/Deputy first Minister; Copied to others From J F Rowell (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T S38(1)(b)	N
36.	105	11/09/2000	Scottish Criminal Records Office Shirley McKie – Potential Damages Claim	To Mr. G. McNicoll; Copied to others From Jan Raitt (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
37.	106	12/09/2000	Scottish Criminal Records Office Shirley McKie – Potential Damages Claim	To Jan Raitt (SE); Copied to others From Gordon McNicoll (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
38.	107	13/09/2000	Scottish Criminal Records Office Shirley McKie – Potential Damages Claim	To Gordon McNicoll (SE) From Jan Raitt (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		Description				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
39.	113	21/09/2000	Scottish Criminal Records Office Shirley McKie – Potential Damages Claim	To Jan Raitt (SE); Copied to others From Gordon McNicoll (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
40.	123	20/12/2000	SCRO, Shirley McKie – Potential Damages Claim	To J Rafferty; copied to others From Mr. G. McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
41.	124	16/1/2001	Claim for Damages: Shirley McKie; Attached Answers to Condescend-ence	To Ian Snedden From Ian McPherson (Head of Legal Services Strathclyde Police)	Ss 30(b)(i) and (ii) - P.I.T. S 36(2)	N
42.	125	19/01/2001	Claim for Damages: Shirley McKie	To G Ian McPherson From Ian Snedden (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
43.	127	23/01/2001	SCRO, Shirley McKie – Potential Damages Claim	To Colin Baxter; Copied to others From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
44.	128	23/01/2001	SCRO, Shirley McKie	To G McNicoll; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
45.	131	07/02/2001	SCRO, Shirley McKie v The Chief Constable, Strathclyde Police	To Colin Baxter; copied to others From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
46.	132	07/02/2001	SCRO, Shirley McKie v The Chief Constable, Strathclyde Police	To G. McNicoll; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
47.	133	07/02/2001	SCRO, Shirley McKie v The Chief Constable, Strathclyde Police	To Colin Baxter; copied to others From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
48.	134	07/02/2001	SCRO, Shirley McKie v The Chief Constable, Strathclyde Police	To Colin Baxter; copied to others From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
49.	139	12/02/2001	Case of Shirley McKie v SCRO	To G. McNicoll; Copied to others From Colin Baxter	S 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
50.	140	02/03/2001	SCRO – Fingerprint Experts. Attached: various papers	To Colin Baxter From Harry Bell (Detective Chief Superintendent)	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T. S38(1)(b) (first condition)	Partial - redact pages 6 to 8 inclusive

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
DDX 15/1/1 Part 003						
51.	1	18/04/2001	Shirley Jane McKie v. SCRO; Attached various correspondence	To Various recipients From Various senders	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
52.	2	02/05/2001	SCRO – Shirley McKie	To Colin Baxter From Alan Williams	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
53.	4	02/05/2001	SCRO – Shirley McKie	To John Rowell; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
54.	6	11/05/2001	Correspondence from Iain McKie	To Sheena Maclaren From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
55.	7	11/05/2001	Correspondence from Iain McKie	To Colin Baxter; Copied to others From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
56.	9	14/05/2001	Correspondence from Iain McKie	To Sheena Maclaren; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
57.	10	15/05/2001	Correspondence from Iain McKie	To Sheena Maclaren; Copied to others From Alan Williams	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
58.	11	15/05/2001	McKie Correspondence and PQ's	To John Rafferty From Sheena Maclaren	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
59.	12	15/05/2001	McKie Correspondence and PQ's	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
60.	13	15/05/2001	McKie Correspondence and PQ's	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>					
New	Old	Date	Title	From and to	Released/ exemptions applied	Release	
61.	14	16/05/2001	McKie Correspondence and PQ's	To Alan Williams; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
62.	15	16/05/2001	McKie Correspondence and PQ's	To John Rafferty; Copied to others From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
63.	16	16/05/2001	McKie case Green Folder and PQ's	To Deputy First Minister (Minister for Justice); Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
64.	17	17/05/2001	McKie case Green Folder and PQ's	To John Rafferty; Copied to others From Jenny Stevenson APS/Deputy First Minister	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
65.	19	18/05/2001	McKie Correspondence and PQ's	To Gordon McNicoll; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
66.	21	18/05/2001	Scottish Parliament Written Answer	To Jim Wallace From Michael Russell (South of Scotland)(SNP)	Ss 29(1)(a), 30(b)(i) and (ii), - P.I.T. Part S 25(1)	Partial – redact written answer	
67.	23	18/05/2001	McKie case Green Folder and PQ's	To First Minister; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
68.	25	18/05/2001	McKie Correspondence and PQ's	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
69.	34	28/08/2001	Allegations of Criminal Conduct by Officers in the Shirley McKie Case; Attached PQ	To PS/ First Minister; Copied to others From Jeff Gibbons PS	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y	

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
			+ Answer			
70.	38	04/09/2001	Correspondence of Allegations of Criminal Conduct in the Case of Shirley McKie	To Sheena Maclaren; Copied to others From John Rafferty	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y
71.	39	06/09/2001	Correspondence of Allegations of Criminal Conduct in the Case of Shirley McKie	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y
72.	40	06/09/2001	Correspondence of Allegations of Criminal Conduct in the Case of Shirley McKie	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y
73.	41	06/09/2001	Draft Minutes of Allegations of Criminal Conduct by Officers in the Shirley McKie Case	To PS/ First Minister; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
74.	42	06/09/2001	Minutes of Allegations of Criminal Conduct by Officers in the Shirley McKie Case	To Sheena Maclaren; James Laing (SE) From John Rafferty	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y
75.	45	13/09/2001	Allegations of Criminal Conduct by Officers in the Shirley McKie Case; Attached various correspondence	To Maureen McIntosh; Copied to others From Ian Kernohan on behalf of First Minister	Ss 29(1)(a) and (b), 30(b)(i) and (ii) - P.I.T.	Y
76.	51	19/09/2001	Shirley McKie - Letters from Mike Russell and Iain	To Sheena Maclaren; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
			McKie			
77.	52	19/09/2001	Shirley McKie - Letters from Mike Russell and Iain McKie	To Sheena Maclaren; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
78.	54	19/09/2001	Correspondence of PQ in the case of Shirley McKie	To Alan Williams; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
79.	55	20/09/2001	McKie Letters	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
80.	63	20/09/2001	Shirley McKie: Letter from Mike Russell and Iain McKie	To Alan Williams; Copied to others from Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
81.	65	22/09/2001	Shirley McKie replies; Attached various correspondence	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
82.	66	21/09/2001	Shirley McKie: Letter from Mike Russell and Iain McKie, correspondence	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
83.	70	21/09/2001	The Case of Shirley McKie	To PS/Deputy First Minister; Copied to others From Jim Wallace	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
84.	71	24/09/2001	McKie Correspondence	To Alan Williams From Sheena Maclaren	S 29(1)(a), 30(b)(i) and (ii), 36(1) P.I.T.	N
85.	74	25/09/2001	SCRO - Shirley McKie Case	To Colin Baxter; Copied to others From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>					
New	Old	Date	Title	From and to	Released/ exemptions applied	Release	
86.	75	25/09/2001	Shirley McKie Case	To Joyce McClansburgh; Copied to others From Deputy First Minister (Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
87.	76	25/09/2001	Shirley McKie Case	To Colin Baxter From Jenny Stevenson (APS/Deputy First Minister)	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
88.	79	26/09/2001	SCRO Fingerprint Experts - Amended Investigation and Discipline Procedure	To J Rowell From Andrew Brown (Chief Constable and Chair of SCRO Executive Committee)	S 36(1) – P.I.T. Part S 25(1)	N	
89.	80	27/09/2001	SCRO- Shirley McKie Case	To McNicoll; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
90.	81	27/09/2001	SCRO- Shirley McKie Case	To McNicoll; Copied to others (as 89)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
91.	83	28/09/2001	Shirley McKie Case, (draft) Reply to Digby Brown Solicitors	To Sheena Maclaren From Gordon McNicoll	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
92.	88	02/10/2001	SCRO - Shirley McKie case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
93.	93	15/10/2001	Shirley McKie Case	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
94.	94	15/10/2001	Shirley McKie Case	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>					
New	Old	Date	Title	From and to	Released/ exemptions applied	Release	
95.	99	09/11/2001	Shirley McKie: Summons	To Mrs J. F. Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
96.	101	20/11/2001	Shirley McKie: Summons, correspondence	To John Rowell; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
97.	102	21/11/2001	Shirley McKie: Summons, correspondence	To Sheena Maclaren From John Rafferty (as 96)	S 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
98.	105	03/12/2001	Consultation re Shirley McKie Case - 30th November 2001	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
99.	106	07/12/2001	Briefing Note Shirley McKie v Strathclyde Joint Police Board, Scottish Ministers and four others	To PS/Lord Advocate; Copied to others From FJ Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
100.	107	13/12/2001	Shirley McKie Case - briefing note	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
101.	108	13/12/2001	Shirley McKie v Strathclyde Joint Police Board, Scottish Ministers and four others	To Colin Baxter From Fiona Robertson (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
102.	109	17/12/2001	Shirley McKie Case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
DDX 15/1/1 Part 004							
103.	4	16/01/2002	Shirley McKie correspondence	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
104.	6	28/01/2002	Shirley McKie, correspondence	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii),	N	

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
					36(1) - P.I.T.	
105.	7	30/01/2002	Shirley McKie	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
106.	12	22/02/2002	Shirley McKie Case	To Colin Baxter; Copied to others From Fiona J Robertson (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
107.	13	22/02/2002	Shirley McKie Case	To John Rafferty From Sheena Maclaren	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
108.	15	07/03/2002	Shirley McKie Case, various correspondence	To PS/JD From Sheena Maclaren	Ss 29(1)(a), 30(b)(i) and (ii) P.I.T. Part S 25	Partial – redact info subject to S25
109.	16	01/03/2002	Form for inter-entity Journal Requests for Shirley McKie file	Form	S 33(1)(b) - P.I.T.	Partial – disclose amounts paid to counsel and court fees for McKie case
110.	19.	21/03/2002	Decision of Scrutiny Committee	To Colin Baxter From Athol Aitken (Inspector)	Released with redactions – S 38(1)	N
111.	21.	21/03/2002	Shirley McKie: Disciplinary Proceedings Involving SCRO Fingerprint Officers	To John Rowell From Morag Bernard	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.			Description			
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
112.	22.	21/03/2002	Shirley McKie: Disciplinary Proceedings Involving SCRO Fingerprint Officers	To PS/Deputy first Minister; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
113.	28.	26/03/2002	Shirley McKie, Minute from Fiona J Robertson (SE)	To Sheena Maclaren; James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
114.	29.	27/03/2002	Letter regarding Case of Shirley McKie	To Jim Wallace From [DELETED]	Released with redactions S 38(1)(b)	N
115.	31	03/04/2002	Shirley McKie: Disciplinary Proceedings Involving SCRO Fingerprint Officers	To John Rafferty from Sheena Maclaren	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
116.	32.	04/04/2002	Scottish Parliament, Written Answer	To Michael Russell (South of Scotland)(SNP) From Jim Wallace	S 29(1)(a), 30(b)(i) and (ii), - P.I.T. Part S 25(1)	Partial – release except where S25(1) applies
117.	34.	05/04/2002	Contribution for 2002/0012056 (GF)	To Sheena Maclaren; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
118.	35.	05/04/2002	Contribution for 2002/0012056 (GF)	To Sheena Maclaren; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
119.	36.	08/04/2002	Shirley McKie: Disciplinary Proceedings Involving SCRO Fingerprint Officers	To PS/Deputy First Minister; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
120.	37.	08/04/2002	Shirley McKie: Civil Action	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>					
New	Old	Date	Title	From and to	Released/ exemptions applied	Release	
121.	38.	18/04/2002	Parliament Motion	To PS/JD From John Rowell	Released	n/a	
122.	39.	18/04/2002	Shirley McKie: Correspondence with Mr. Andrew Brown QPM	To John Rowell From Athol Aitken	Released with redactions S 38(1)(b) (first condition) Part S 25(1)	Partial – release except for direct contact details of experts and except where S25(1) applies	
123.	40.	18/04/2002	Shirley McKie - Internet Correspondence	To John Rowell From Harry Bell	S 36(2)	Y	
124.	41.	23/04/2002	Journal request Form for Shirley McKie file	To Colin Baxter from Fiona Turnbull	S 33(1)(b)	Partial – disclose amounts paid to counsel and court fees for McKie case	
125.	49.	25/04/2002	Shirley McKie: Civil Action	To John Rafferty from Sheena Maclaren	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N	
126.	50.	25/04/2002	Shirley McKie: Civil Case	To Morag Bernard; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	
127.	51.	25/04/2002	Shirley McKie: Civil Case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y	

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
128.	52.	25/04/2002	Shirley McKie: Civil Case, policy	To Deputy First Minister; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
129.	53.	25/04/2002	Reply to Letter, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions 38(1)(b)	N
130.	54.	26/04/2002	Reply to Letter, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	Partial – redact direct contact details
131.	55.	26/04/2002	Reply to E-mail, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	Partial – redact direct contact details
132.	56.	26/04/2002	Reply to E-mail, McKie Case	To Mr Hawthorne From Sheena Maclaren	Released	n/a
133.	57.	26/04/2002	Reply to E-mail, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	Partial – redact direct contact details
134.	58.	26/04/2002	Reply to E-mail, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	Partial – redact direct contact details
135.	59.	26/04/2002	Reply to E-mail, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	N
136.	60.	26/04/2002	Reply to Letter, McKie Case	To Mr Vanderkolk From Sheena Maclaren	Released	n/a
137.	61.	26/04/2002	Reply to Letter, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	Partial – redact direct contact details

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
138.	62.	26/04/2002	Reply to E-mail, McKie case	To Mr Biro From Sheena Maclaren	Released	n/a
139.	63.	27/04/2002	Reply to E-mail, McKie Case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	Partial – redact direct contact details
140.	64.	30/04/2002	Reply to Letter	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	N
141.	67.	01/05/2002	Correspondence with Thompsons Solicitors and Advocates	To Fiona Robertson (SE) From Thompsons	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
142.	69.	01/05/2002	Parliament Motion: Shirley McKie	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
143.	70.	01/05/2002	Parliament Motion: Shirley McKie	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
144.	71.	01/05/2002	Shirley McKie: Civil Action	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
145.	72.	01/05/2002	Shirley McKie: Civil Action	To Deputy First Minister; Copied to others From Morag Bernard	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
146.	83.	07/05/2002	HMA v. Shirley McKie; HMA v. David Asbury	To Jack McConnell MSP From SCRO	S 36(2)	Y
147.	84.	07/05/2002	Reply to letter, McKie case	To [DELETED] From Sheena Maclaren	Released with redactions S 38(1)(b)	Partial – redact direct contact details

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
148.	85.	07/05/2002	Reply to letter, McKie case	To Prof Espie From Sheena Maclaren	Part released Part S 25(1)	N
149.	86.	07/05/2002	The Shirley McKie case	To Jim Wallace From [DELETED]	S 38(1)(b)	Partial – redact direct contact details

Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
DDX 15/1/1 Part 005						
1.	1.	07/05/2002	HMA v. Shirley McKie HMA v. David Asbury; Attached various letters and information	To Jack McConnell MSP From Robert MacKenzie (Fingerprint Bureau, Head of SCRO)	S 36(2)	Y
2.	2.	08/05/2002	Parliament Motion: Request for Briefing	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
3.	3.	08/05/2002	Parliament Motion: Request for Briefing	To Minister for Parliamentary Business; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
4.	5.	09/05/2002	Parliament Motion: Request for Briefing	To Deputy First Minister (Minister for Justice); Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
5.	6.	09/05/2002	Shirley McKie Case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
6.	8.	10/05/2002	Shirley McKie Case	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
7.	9.	10/05/2002	Shirley McKie Case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
8.	10.	10/05/2002	Shirley McKie Case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
9.	11.	10/05/2002	Shirley McKie Case	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
10.	12.	10/05/2002	Shirley McKie Case	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
11.	14.	13/05/2002	Members Business Debate -15th May	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), P.I.T.	Y
12.	15.	13/05/2002	Shirley McKie Case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
13.	16.	13/05/2002	Shirley McKie Case	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
14.	17.	13/05/2002	Shirley McKie Case	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
15.	18.	14/05/2002	Shirley McKie Case	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
16.	19.	14/05/2002	Members Business - 15th May: Michael Russell's Motion on SCRO; Attached minutes of meeting	To Deputy First Minister; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
17.	20.	14/05/2002	Members Business - 15th May	To Morag Bernard; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
18.	21.	14/05/2002	Member's Business; Attached Minutes, Letter, Speaking Note	To Sheena Maclaren From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
19.	22.	14/05/2002	Members Business - 15th May: Michael Russell's Motion on SCRO; Attached minutes of meeting	To Morag Bernard; Copied to others From Deputy First Minister (Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
20.	29.	15/05/2002	CFRP and SCRO	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
21.	32.	21/05/2002	CFRP and SCRO	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
22.	33.	24/05/2002	Shirley McKie Case	To PS/First Minister; Copied to others From John Rowell	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
23.	35.	24/05/2002	Shirley McKie Case	To First Minister; Copied to others From Sheena Maclaren	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T. S 38(1)	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
24.	37.	31/05/2002	Reply to Letter; Attached Detailed Paper on McKie Case	To Robert MacKenzie From Jack McConnell	S 36(2), 38(1)(b)	Y
25.	48.	24/06/2002	Shirley McKie - Correspondence with Mr. Kenneth Mackintosh MSP	To John Rowell From Harry Bell	S 36(2)	N
26.	49.	11/07/2002	Shirley McKie Case	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
27.	50.	11/07/2002	Shirley McKie's Case	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
28.	51.	11/07/2002	Shirley McKie Case - Crown Office letter	To John Rowell From Harry Bell (Det. Chief Superintendent)	S 35(1)(c) - P.I.T.	Y
29.	54.	17/07/2002	Shirley McKie: Civil Action, minutes	To Deputy First Minister (Minister for Justice); Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
30.	56.	17/07/2002	SEAS Journal Request Form	SEAS Journal Request Form	S 36(1) – P.I.T.	Partial – disclose amount paid to counsel
31.	57.	25/07/2002	Discussion by e- mail over minute of 17th July	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
32.	59.	31/07/2002	Shirley McKie Case- Letter to Council for the registration of Forensic Practitioners	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
33.	61.	06/08/2002	Invoice: Considering Junior Counsel's Adjustments and Advising by Telephone	To SE Victoria Quay From 128 Services Limited, Parliament House	S 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
34.	65.	14/08/2002	Shirley McKie: Civil Action, Minutes	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
35.	66.	14/08/2002	David Asbury: Appeal Against Conviction	To Deputy First Minister(Minister for Justice); Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
36.	67.	14/08/2002	David Asbury: Appeal Against Conviction	To Deputy First Minister(Minister for Justice); Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
37.	68.	14/08/2002	David Asbury: Appeal Against Conviction; Minutes	To PS/Deputy First Minister; Copied to others	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
38.	69.	14/08/2002	Reply to Letter	To Kenneth Macintosh MSP From Jim Wallace	S 38(1)(b)	N
39.	85.	15/08/2002	David Asbury: Appeal Against Conviction	To John Rafferty; Copied to others From Deputy First Minister (Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
40.	86.	15/08/2002	David Asbury: Appeal Against Conviction	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
41.	87.	15/08/2002	David Asbury: Appeal Against Conviction	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
42.	89.	16/08/2002	David Asbury: Appeal Against Conviction	To PS/Lord Advocate; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
43.	90.	19/08/2002	David Asbury: Appeal Against Conviction	To Deputy First Minister (Minister for Justice); Copied to others From Derek Freely	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
44.	91.	19/08/2002	David Asbury: Appeal Against Conviction	To Derek Freely; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
45.	92.	19/08/2002	David Asbury: Appeal Against Conviction	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
46.	94.	22/08/2002	Expert nominated by CRFP to examine negligence	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
47.	95.	27/08/2002	Expert nominated by CRFP to examine negligence	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
48.	96.	27/08/2002	Shirley McKie Civil Case	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
49.	98.	03/09/2002	Ministerial Correspondence: David Asbury and Shirley McKie	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T	N
50.	99.	04/09/2002	Ministerial Correspondence: David Asbury and Shirley McKie	To Fiona Robertson; Copied to others From Stuart Foubister	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
51.	101.	09/09/2002	Ministerial Correspondence- HMA v David Asbury and Shirley McKie v Scottish Ministers and others; Various minutes and correspondence attached	To James Laing From Morag Bernard	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T. S 36(2)	N



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
52.	102.	10/09/2002	Reply to letter	To Brian Fitzpatrick MSP From Jim Wallace	S 38(1)(b)	Y
53.	103.	10/09/2002	Reply to letter	To Des McNulty MSP From Jim Wallace	S 38(1)(b) (first condition)	N
54.	104.	10/09/2002	Reply to letter	To Kenneth Macintosh MSP From Jim Wallace	S 38(1)(b)	N
55.	106.	10/09/2002	David Asbury Appeal	To James Laing; Copied to others From Colin Baxter	Released with redactions – S 38(1)(b)	N
56.	108.	11/09/2002	Invoice Specification of Property Specification of Documents	To S.E. Victoria Quay From Faculty Services Limited, Parliament House	S 36(1) – P.I.T.	N
57.	109.	11/09/2002	Ministerial Correspondence: David Asbury and Shirley McKie	To James Laing; Copied to others From PS/Lord Advocate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
58.	117.	20/09/2002	Reply to Letter	To Mike Rumbles MSP From Jim Wallace	Released with redactions – S 38(1)(b) (first condition)	N
DDX 15/1/1 Part 006						
59.	1.	23/09/2002	PQ Oral Answer. Attached Background information to question	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) Part S 25(1)	Partial – withhold info available under S25(1)
60.	3.	24/09/2002	Oral PQ S10-05632 Canavan	To John Rowell; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
61.	4.	24/09/2002	Oral PQ S10-05632 Canavan	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
62.	5.	24/09/2002	Shirley McKie v Strathclyde Joint Police Board, Scottish Ministers and others	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
63.	6.	25/09/2002	Oral PQ S10-05632 Canavan Attached Background information to question	To PS/JD; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
64.	7.	25/09/2002	Oral PQ S10-05632 Canavan	To John Rafferty; Copied to others From Deputy Crown Agent PA	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
65.	8.	25/09/2002	Oral PQ S10-05632 Canavan	To Deputy Crown Agent PA; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
66.	11.	02/10/2002	Correspondence regarding replies to PQ S1W-29629 and PQ S1W-29630	To John Rafferty; Copied to others From Deputy Crown Agent	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
67.	12.	10/10/2002	Payment of Legal Expenses	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) - P.I.T.	N
68.	13.	14/10/2002	Correspondence regarding replies to PQ S1W-29629 and PQ S1W-29630	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
69.	14.	14/10/2002	Precognition - McKie Case	To John Rowell From Harry Bell (Det. Chief Superintendent)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T. S 38(1)(b)	N
70.	15.	14/10/2002	Precognition - McKie Case	To John Rowell From Harry Bell (Det. Chief Superintendent)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T. S 38(1)(b)	N
71.	16.	16/10/2002	McKie Case UNISON	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
					S 38(1)(b)	
72.	18.	17/10/2002	Shirley McKie Civil Action - Expenses Query	To Colin Baxter From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
73.	20.	17/10/2002	Petition PE544: SCRO Fingerprint Service	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
74.	22.	18/10/2002	Payment of Legal Expenses	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
75.	23.	18/10/2002	Shirley McKie v Strathclyde Joint Police Board and Others: Motion for Expenses - Tuesday 22 October 2002: Minutes	To Lord Advocate; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
76.	24.	18/10/2002	Shirley McKie v Strathclyde Joint Police Board and Others, letter	To Patrick Layden; Copied to others From John Rowell	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
77.	25.	21/10/2002	Shirley McKie - Expenses Motion	To Deputy First Minister (Minister for Justice) From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
78.	28.	29/10/2002	Shirley McKie - Expenses Motion	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
79.	31.	26/11/2002	Reply to Letter	To Des McNulty MSP From Jim Wallace	S 36(1) – P.I.T. S38(1)(b)	N
80.	32.	26/11/2002	Reply to Letter; Various Letters attached	To Kenneth MacIntosh MSP From Jim Wallace	S36 (1) – P.I.T S38(1)(b)	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
81.	33.	27/11/2002	Inter SE E-mail	To Fiona Robertson From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
82.	34.	29/11/2002	S1W-31830 PQ, query	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
83.	37.	02/12/2002	Contribution for 2002/0032189 (GF) role of fingerprint officers	To James Laing From Sheila Proctor	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
84.	39.	09/12/2002	Fingerprint Officers	To Deputy First Minister (Minister for Justice) From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
85.	42.	18/12/2002	E-mail regarding PQ's	To Fiona Robertson From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
86.	48	18/12/2002	Invoice	To SE From Parliament House, Edinburgh	S 36(1) – P.I.T.	N
87.	52.	06/01/2003	Parliament Questions	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
88.	53.	06/01/2003	Parliament Questions	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
89.	55.	09/01/2003	Invoice from Digby Brown Solicitors	To SE From Digby Brown Solicitors	S 36(1) – P.I.T.	Y
90.	63.	16/01/2003	Shirley McKie v Scottish Ministers	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
91.	64.	16/01/2003	Shirley McKie v Scottish Ministers	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
92.	65.	13/02/2003	SEAS Journal Request Form	To Colin Baxter From Fiona Turnbull	Release of amount in invoice (court fees)	N
93.	66.	19/02/2003	Reply to letters	To Kenneth MacIntosh MSP From Jim Wallace	S38(1)(b)	N
94.	66A.	29/01/2003	Letter to Parliament on behalf of constituents; Attached various letters	To Jim Wallace From Kenneth MacIntosh MSP	Ss 30(b)(i) and (ii) P.I.T. S 38(1)(b) Part S 25(1)	N
95.	66B.	18/12/2002	Letter to Parliament on behalf of constituents; Attached various letters	To Jim Wallace From Kenneth MacIntosh MSP	S 30(b)(i) and (ii) – P.I.T. S 38(1)(b)	N
96.	66C.	18/02/2003	Restricted - Staff: Fingerprint Experts	To James Laing from John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
97.	66D.	27/01/2003	Contribution for Parliament Question	To James Laing From Deputy Crown Agent PA	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
98.	66E.	21/01/2003	Contribution for Parliament Question	To James Laing; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
99.	66F.	31/12/2002	Contribution for Parliament Question	To James Laing From Kathryn Wrinn	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
100.	66G.	14/11/2002	SCRO Fingerprint Experts; Various Letters attached	To James Laing From Harry Bell (Det. Chief Superintendent)	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T	Y
101.	66H	n/a	Criminal Procedure (Scotland) Act 1995 s.280, Routine Evidence	Extract of Act	Released	n/a
102.	67.	19/02/2003	Reply to Letter	To Des McNulty MSP From Jim Wallace	S 38(1)(b)	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
103.	68.	19/02/2003	Reply to Letter	To Brian Fitzpatrick MSP From Jim Wallace	S 38(1)(b)	N
104.	69.	06/03/2003	Progress on Shirley McKie Case	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
105.	72.	10/03/2003	Invoice	To SE From Parliament House	S 36(1) – P.I.T.	N
106.	74.	21/03/2003	SEAS Journal request Form	To Colin Baxter From Fiona Turnbull	Release of amount in invoice – court fees	N
107.	78.	21/03/2003	Correspondence on McKie Case	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
108.	79.	24/03/2003	Mike Russell Parliament Questions	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
109.	82.	25/03/2003	Correspondence on McKie Case	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
110.	83.	19/03/2003	Invoice	To SE From Parliament House, Edinburgh	S 36(1) – P.I.T.	N
DDX 15/1/1 Part 007						
111.	6.	20/05/2003	Request for update on Shirley McKie	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
112.	9.	06/06/2003	Meeting with Fiona Robertson 6th June 2003	To John Rowell; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
113.	13.	23/06/2003	Immediate- SCRO and Shirley McKie	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
114.	14.	23/06/2003	Immediate- SCRO and Shirley McKie	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
115.	16.	23/06/2003	Immediate- SCRO and Shirley McKie	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
116.	22.	23/06/2003	Shirley McKie	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
117.	24.	23/06/2003	Immediate- SCRO and Shirley McKie	To Colin Baxter; Copied to others From Deputy Crown Agent PA	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
118.	25.	23/06/2003	Immediate- SCRO and Shirley McKie	To Deputy Crown Agent PA; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
119.	26.	23/06/2003	Immediate- SCRO and Shirley McKie	To Deputy Crown Agent PA; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
120.	27.	23/06/2003	Shirley McKie: SCRO	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
121.	28.	23/06/2003	Immediate- SCRO and Shirley McKie	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
122.	30.	24/06/2003	Progress of McKie case	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
123.	32.	24/06/2003	Professor Espie's relationship to Shirley McKie	To Lord Advocate; Copied to others From R.J. Weir	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
124.	34.	27/06/2003	Motions for recovery of Property and Documents; Attached letters	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
125.	35.	27/06/2003	Shirley McKie V SJPB, Scottish Ministers and others C.R.F.P. Presentation - Tulliallan 24th-25th September 2003	To Colin Baxter; Copied to others From Fiona Robertson	S 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
126.	37.	30/06/2003	Shirley McKie, Expenses of Other Defenders	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
127.	39.	30/06/2003	Shirley McKie - Motions for Recovery of Documents & Property	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
128.	41.	08/07/2003	Expenses of Co-Defenders in Shirley McKie Case (Baxter Accounts)	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
129.	42.	30/06/2003	Expenses of Co-Defenders in Shirley McKie Case (Baxter Accounts)	To John Rowell; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
130.	44.	04/07/2003	Invoice of work undertaken in McKie Case	To Scottish Office, Solicitors Department From Alex Quinn & Partners, Law Accountants	S 36(1) – P.I.T.	N
131.	45.	02/07/2003	MCS- Copy of Case 2003/0013701 documents	To James Laing; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
132.	46.	09/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To Deputy Crown Agent PA; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), S36(1) – P.I.T.	N
133.	47.	09/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To Craig French; Copied to others From John Rafferty	S29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
134.	48.	10/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To John Rafferty; Copied to others From Deputy Crown Agent PA	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
135.	49.	10/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To John Rafferty; Copied to others From Craig French	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
136.	50.	11/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To Craig French; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
137.	51.	11/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To John Rafferty; Copied to others From Bill Gilchrist	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
138.	52.	16/07/2003	SEAS Journal Request Form McKie Case	To Colin Baxter; Copied to others From Fiona Turnbull	Release of amount in invoice – court fees	N
139.	54.	21/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To Bill Gilchrist; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
140.	55.	21/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To John Rafferty; Copied to others From Bill Gilchrist	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
141.	56.	21/07/2003	Shirley McKie v The Scottish Ministers and Others, Expenses of Strathclyde Joint Police Board	To Colin Baxter From Ewan McGillivray SEVQ	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
142.	57.	22/07/2003	Shirley McKie v The Scottish Ministers and Others, Expenses of Strathclyde Joint Police Board	To Ewan McGillicary SEVQ From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
143.	58.	28/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G; Attached Various letters and Witness Statement	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
144.	59.	28/07/2003	Shirley McKie and SCRO Co Ref: 2004/03/G	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
145.	60.	29/07/2003	Shirley McKie V SJPB, Scottish Ministers and others C.R.F.P. Presentation - Tulliallan 24th-25th September 2003	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
146.	61.	29/07/2003	Presentation at Tulliallan	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
147.	62.	29/07/2003	Presentation at Tulliallan	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
148.	64.	30/07/2003	Shirley McKie Co Ref: 2004/03/G	To John Rafferty; Copied to others From Minister for Justice	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
149.	65.	06/08/2003	Baxter Minutes -Minute of Amendment for Pursuer -Recovery of Documents etc.	To Colin Baxter; Copied to others From Elaine Ferries	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
150.	66.	07/08/2003	Baxter Minutes -Minute of Amendment for Pursuer -Recovery of Documents etc.	To Elaine Ferries; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
151.	67.	11/08/2003	Baxter Minutes -Minute of Amendment for Pursuer -Recovery of Documents etc.	To Morag Bernard; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
152.	69.	03/07/2003	Shirley McKie v Strathclyde Joint Police Board and others- Invoice	To Faculty Services Limited From Parliament House Edinburgh	S 36(1) – P.I.T.	N
153.	70.	13/08/2003	Shirley McKie v Strathclyde Joint Police Board and others- Invoice	To Faculty Services Limited From Parliament House Edinburgh	S 36(1) – P.I.T.	N
154.	71.	14/08/2003	McKie- Minute of Amendment	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), S36(1) – P.I.T.	N
155.	72	14/08/2003	McKie- Pursuer's Minute of Amendment	To John Rafferty; Copied to others From Fiona Robertson	S29(1)(a), S30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
156.	73.	15/08/2003	McKie- Pursuer's Minute of Amendment	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
157.	73A.	09/11/2001	Minutes, Shirley McKie Summons	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
158.	74.	18/08/2003	Shirley McKie- Expenses of Strathclyde Joint Police Board	To James Laing; Copied to others From Leslie Henderson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
159.	75.	18/08/2003	Shirley McKie- Expenses of Strathclyde Joint Police Board	To Ewan McGillivray; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
160.	76.	19/08/2003	Shirley McKie- Expenses of Strathclyde Joint Police Board	To James Laing; Copied to others From Ewan McGillivray	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
From file: DDX 15/1/1 Part 008						
161.	1.	01/09/2003	Shirley McKie, Hennessy Brown - Account of Expenses for Strathclyde Joint Police Board	To James Laing; Copied to others From Fiona Robertson	Ss 30(b)(i) and (ii), 36(1) – P.I.T.	N
162.	2.	01/09/2003	Shirley McKie v SJPB, Scottish Minister and Others, Pursuer's Motion for recovery of Documents	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
163.	3.	02/09/2003	Shirley McKie - Pursuer's motion for recovery of Documents	To Fiona Robertson; Copied to others From Morag Bernard	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
164.	4.	03/09/2003	Shirley McKie - Pursuer's motion for recovery of Documents	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
165.	5.	05/09/2003	McKie Briefing	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
166.	6.	05/09/2003	McKie Briefing	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
167.	7.	05/09/2003	Shirley McKie: Claim for Damages Against Scottish Ministers	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
168.	8.	05/09/2003	McKie Briefing and Outcome of Motion	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
169.	9.	05/09/2003	Shirley McKie, Claim for Damages Against Scottish Ministers	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
170.	10.	05/09/2003	Shirley McKie, Claim for Damages Against Scottish Ministers	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
171.	11.	05/09/2003	McKie Briefing	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
172.	12.	05/09/2003	McKie Briefing & Outcome of Motion	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
173.	13.	08/09/2003	McKie - Letter to Fingerprint Officer's Solicitors	To Colin Baxter; Copied to others From Fiona Robertson	Ss 9(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
174.	14.	09/09/2003	Shirley McKie, Claim for Damages Against Scottish Ministers	To John Rafferty; Copied to others From Minister for Justice	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
175.	15.	09/09/2003	Shirley McKie, Claim for Damages Against Scottish Ministers	To John Rafferty; Copied to others From Deputy First Minister & Minister for Enterprise	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
176.	16.	11/09/2003	Shirley McKie v Strathclyde Joint Police Board- Invoice	To SE VQ From Parliament House	S 36(1) – P.I.T.	N
177.	17.	10/09/2003	SEAS Journal Request Form for McKie Case	To Colin Baxter; Copied to others From Fiona Turnbull	Release of amount in invoice – court fees	N
178.	18.	10/09/2003	McKie- Letter to Fingerprint Officer's Solicitors	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
179.	19.	10/09/2003	Contact Details for Bill Taylor	To Leigh Brown; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T. S 38(1)(b)	N
180.	20.	10/09/2003	Shirley McKie - Adjusted Minute of Amendment	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
181.	21.	10/09/2003	Shirley McKie - Adjusted Minute of Amendment	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
182.	22.	10/09/2003	Shirley McKie - Adjusted Minute of Amendment	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
183.	23.	10/09/2003	Shirley McKie - Adjusted Minute of Amendment	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
184.	24.	11/09/2003	Hennessy Bowie - Account of Expenses	To Fiona Robertson From James Laing	S 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
185.	25.	11/09/2003	Shirley McKie - Adjusted Minute of Amendment	To James Laing From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
186.	26.	11/09/2003	Shirley McKie - Adjusted Minute of Amendment	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
187.	27.	11/09/2003	Shirley McKie - Adjusted Minute of Amendment	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
188.	28.	11/09/2003	Shirley McKie - Adjusted Minute of Amendment	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
189.	29.	11/09/2003	Shirley McKie - Adjusted Minute of Amendment	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
190.	30.	19/09/2003	Shirley McKie, Commission for Recovery of Documents	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
191.	31.	19/09/2003	Shirley McKie v SCRO; Attached: Various Letters	To Minister for Justice; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
192.	32.	22/09/2003	Shirley McKie Case, Hennessy Bowie - Account of Expenses	To James Laing; Copied to others From Fiona Robertson	S 36(1) - P.I.T.	N
193.	33A.	24/09/2003	Shirley McKie v SCRO, Discussion on case	To James Laing; Copied to others From Minister for Justice	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
194.	33D.	01/09/2003	Letters regarding Iain McKie's request for meeting with Minister	To James Laing; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
195.	34.	26/09/2003	Minute from Minister, McKie Case	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
196.	35.	29/09/2003	Minute from Minister with Annexes, McKie Case	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
197.	36.	30/09/2003	New Angle on McKie Case	To Anna Rogerson; Copied to others From John Rafferty	Released	n/a
198.	38A.	02/10/2003	Minutes of Meeting, Shirley McKie v Scottish Ministers, Adjustment Period for Amendment Procedure - Ends Friday 3rd October 2003	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
199.	38B.	19/09/2003	Note by the Senior Counsel for the Defenders in the cause of Shirley McKie Pursuer against The Scottish Ministers, Defenders	Office of the Solicitor to the Scottish Executive	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
200.	38C.	02/10/2003	Minutes of Meeting Shirley McKie v Scottish Ministers and Others	To PS/Lord Advocate; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
201.	39.	02/10/2003	McKie v Scottish Ministers, Guidance on the Questions asked	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
202.	42.	08/10/2003	IMMEDIATE: Briefing for First Minister's Questions on 9th October	To Fiona Robertson; Copied to others From Deputy Crown Agent PA	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
203.	46.	09/10/2003	McKie Debate	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
204.	48.	09/10/2003	Shirley McKie- Claim for Damages	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
205.	59.	13/10/2003	Shirley McKie - Procedure Roll Debate	To James Laing; Copied to others From Ewan McGillivray	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
206.	60.	13/10/2003	Shirley McKie - Procedure Roll Debate	To James Laing; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
207.	61.	14/10/2003	SEAS Journal Request Form 'Shirley McKie'	To Colin Baxter From Fiona Turnbull	Released amount in invoice - court fees	N
208.	62.	21/10/2003	Shirley McKie- Claim for Damages	To John Rafferty; Copied to others From Deputy First Minister & Minister for Enterprise	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
209.	63.	21/10/2003	Shirley McKie- Claim for Damages	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
210.	64.	21/10/2003	Shirley McKie - Claim for Damages	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
211.	65.	21/10/2003	Shirley McKie - Claim for Damages	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
212.	66.	21/10/2003	Shirley McKie - Claim for Damages	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
213.	66A.	Various	Various Extracts from News Articles and Meetings etc. regarding McKie Case	Various	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
214.	67.	22/10/2003	Shirley McKie- Claim for Damages	To Deputy First Minister; Copied to others From Minister for Justice	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N
215.	68.	23/10/2003	Shirley McKie- Claim for Damages	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
216.	71A.	23/10/2003	Short Minute 'MCS Case 2003/0021721 Alasdair Morgan MSP: Shirley McKie Case'. Attached: Various correspondence	To Minister for Justice; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
217.	72.	22/10/2003	Invoice: Shirley McKie v Strathclyde Joint Police Board and Others	To Scottish Executive, Solicitors Office, Victoria Quay	S 36(1) P.I.T.	Y
218.	73.	05/11/2003	Invoice, McKie Case	To Scottish Executive, Solicitors Office, Victoria Quay From Parliament House, Edinburgh	S 36(1) P.I.T.	N
219.	74.	06/11/2003	Invoice, McKie Case	To Scottish Executive, Solicitors Office, Victoria Quay From Parliament House, Edinburgh	S 36(1) P.I.T.	N
220.	75.	29/10/2003	Action to Take, McKie Case	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
221.	76.	30/10/2003	Shirley McKie: Legal Costs to Date	To Colin Baxter; Copied to others From John Rafferty	S 36(1) P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
222.	78.	13/11/2003	Shirley McKie (Our Ref: QNE/019/040) Regarding publication of Lord Wheatley's Opinion	To Ewan McGillivray; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
223.	79.	19/11//2003	SEAS Journal Request Form, McKie Case. Attached: Invoice	To Colin Baxter From Fiona Turnbull	Released amount in invoice – court fees	N
224.	87.	27/11/2003	E-mail from Office of the Solicitor, McKie Case	To Ewan McGillivray (Office of the Solicitor SE) From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
225.	88.	30/11/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To Ewan McGillivray; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
226.	89.	01/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To Fiona Robertson; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
227.	90.	01/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To John Rafferty; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
228.	91.	04/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To James Laing From Ewan McGillivray	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
229.	92.	09/12/2003	Shirley McKie- Claim for Damages	To Minister for Justice; Copied to others From Deputy First Minister & Minister for Enterprise	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N
230.	93.	09/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To James Laing; Copied to others From Ewan McGillivray	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
231.	94.	09/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To Colin Baxter; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
232.	95.	09/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To James Laing; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
233.	96.	09/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion, Further Action	To Ewan McGillivray; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
234.	98.	19/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion, Further Action	To James Laing; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
235.	99.	19/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion, Further Action	To John Rafferty; Copied to others From Jim Gallagher (HoD Justice)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
236.	104.	22/12/2003	Discussion Regarding publication of Lord Wheatley's Opinion	To Ewan McGillivray; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
237.	105.	23/12/2003	Minutes on Lord Wheatley's Opinion	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
238.	106.	23/12/2003	Draft of Minutes: Shirley McKie: Procedural Roll Debate- Lord Wheatley's Opinion	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
239.	109.	23/12/2003	Shirley McKie: Procedural Roll Debate - Lord Wheatley's Opinion	To Minister for Justice; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
240.	113.	30/12/2003	Shirley McKie Case: Lord Wheatley's Opinion. Attached: Shirley McKie: Procedural Roll Debate - Lord Wheatley's Opinion	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
241.	115.	31/12/2003	Invoice: Berkeley Security Bureau (Forensic) Ltd.	To Scottish Executive, Victoria Quay From Berkeley Security Bureau (Forensic) Ltd.	S 36(1) P.I.T.	N
242.	116.	05/01/2004	Shirley McKie Case: Lord Wheatley's Opinion. Attached: Shirley McKie: Procedural Roll Debate - Lord Wheatley's Opinion	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
243.	117.	06/01/2004	Shirley McKie Case: Lord Wheatley's Opinion.	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
244.	118.	06/01/2004	Shirley McKie Case: Lord Wheatley's Opinion.	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
245.	120.	13/10/2003	Invoices Regarding McKie Case	To Scottish Executive, Victoria Quay From Parliament House, Edinburgh	S 36(1) P.I.T.	N
246.	121.	19/01/2004	Discussion on actions to take on McKie Case	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
247.	122.	19/01/2004	Shirley McKie Case: Lord Wheatley's Opinion.	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
248.	123.	20/01/2004	Shirley McKie Case: Lord Wheatley's Opinion.	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
249.	124.	20/01/2004	Shirley McKie Case: Lord Wheatley's Opinion.	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
250.	125.	21/01/2004	Shirley McKie Case: Lord Wheatley's Opinion.	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
251.	127.	26/01/2004	Invoice regarding McKie Case	To Scottish Executive, Victoria Quay From Parliament House, Edinburgh	S 36(1) P.I.T.	N
252.	128.	28/01/2004	Shirley McKie Consultation -Friday 30th - 2.30pm- Cancellation	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
253.	129.	28/01/2004	Shirley McKie Consultation -Friday 30th - 2.30pm- Cancellation	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
254.	131.	29/01/2004	Shirley McKie Consultation -Friday 30th - 2.30pm- Cancellation	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
255.	132.	29/01/2004	McKie v Scottish Ministers - Note & Draft Grounds of Appeal	To Stuart Foubister; Copied to others From Fiona Robertson	Ss 30(b)(i) and (ii), 36(1) – P.I.T.	N
256.	132A	29/01/2001	Document providing the grounds of appeal	Document	Ss 30(b)(i) and (ii), 36(1) – P.I.T.	N
257.	133.	30/01/2004	McKie v Scottish Ministers - Note & Draft Grounds of Appeal	To Fiona Robertson; Copied to others From Stuart Foubister	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
258.	134.	01/02/2004	McKie v SMs - Slightly Amended Grounds of Appeal	To Stuart Foubister; Copied to others From Fiona Robertson	Ss 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
259.	134A	2004	Document providing the grounds of appeal	Document	S 36(1) – P.I.T.	N
DDX 15/1/1 Part 009						
260.	3.	12/02/2004	Shirley McKie - Agents for Fingerprint Officers-Thompsons Solicitors	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
261.	4.	12/02/2004	Shirley McKie- Agents for Fingerprint Officers-Thompsons Solicitors	To Fiona Robertson; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
262.	5.	12/02/2004	Shirley McKie- Agents for Fingerprint Officers-Thompsons Solicitors	To Colin Baxter; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
263.	6.	03/02/2004	Invoice for costs surrounding McKie Case	To Scottish Executive, Office of the Solicitor, Victoria Quay From McNeill & Cadzow (Law and Commercial Copying Office)	S 36(1) – P.I.T.	Y
264.	7.	05/03/2004	Civil Action, McKie Case	To Ewan McGillivray ; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
265.	8.	08/03/2004	Civil Action, McKie Case	To Harry Bell (Det. Chief Super.) From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
266.	9A.	10/03/2004	Background Information to Des McNulty's Question	To Minister for Justice From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
267.	10.	18/03/2004	SEAS Journal Request Form, McKie Case	To Colin Baxter From Fiona Turnbull	Released amount in invoice – court fees	N
268.	11.	02/04/2004	Invoice for costs surrounding McKie Case	To Scottish Executive, Office of the Solicitor, Victoria Quay From Parliament House, Edinburgh	S 36(1) P.I.T.	Partial – disclose info on invoices relating to Shirley McKie case
269.	17.	07/04/2004	BBC and Shirley McKie	To John McCroskie; Copied to others From David Henderson (Police Division)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
270.	18.	07/04/2004	BBC and Shirley McKie	To David Henderson (Police Division); Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
271.	19.	07/04/2004	BBC and Shirley McKie	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
272.	20.	08/04/2004	[DELETED] (Includes reference to Shirley McKie case)	To Jack McConnell MSP From [DELETED]	Released with redactions – S 38(1)(b) (first condition) – and issues outwith McKie case.	N
273.	35.	15/04/2004	Discussion over update on McKie Case	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
274.	37.	16/04/2004	Fax cover on McKie Case	To Fiona Robertson From SCRO	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
275.	38.	16/04/2004	Update of Shirley McKie Case	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
276.	46.	20/04/2004	Comments on Rosemary Johnston's (Minister for Justice) Submission of 16th April	To John Rafferty; Copied to others From Minister for Justice	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
277.	47.	20/04/2004	Request for Update on Shirley McKie Case	To Colin Baxter From PS/JD	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
278.	52.	22/04/2004	Shirley McKie Update and Note	To Minister for Justice; Copied to others from John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
279.	54.	23/04/2004	Shirley McKie v SJPB, Scottish Ministers & Others - Commission for Recovery of Documents	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
280.	56.	23/04/2004	Comments on Minutes	To John Rafferty; Copied to others From Lord Advocate	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N
281.	57.	23/04/2004	Discussion of Out of Court Settlement, McKie Case; Other Comments Attached	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N
282.	58.	23/04/2004	Shirley McKie v SJPB, Scottish Ministers & Others - Commission for Recovery of Documents	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
283.	59.	23/04/2004	Discussion of Out of Court Settlement, McKie Case; Other Comments Attached	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
284.	62.	26/04/2004	Shirley McKie - Commission for Recovery of Documents	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
285.	64.	26/04/2004	Shirley McKie - Commission for Recovery of Documents	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
286.	65.	26/04/2004	Comments over the McKie Case	To Lord Advocate; Copied to others From Minister for Justice	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N
287.	66.	27/04/2004	SEAS Journal Request Form, McKie Case	To Colin Baxter From Anne Graham	Released amount in invoice – court fees.	N
288.	69.	20/05/2004	Invoice from McKie Case	To Scottish Executive, Victoria Quay From Parliament House, Edinburgh	S 36(1) P.I.T.	N
289.	72A.	26/04/2004	Scottish Parliament, Written Answer. Included: Background Information	To Alex Neil (Central Scotland) (SNP) From Cathy Jamieson (SE)	Ss 29(1)(a), 30(b)(i) and (ii)– P.I.T.	Y
290.	72B.	26/04/2004	Scottish Parliament, Written Answer. Included: Background Information	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	N
291.	72C.	26/04/2004	Scottish Parliament, Written Answer. Included: Background Information	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
292.	72D.	23/04/2004	Discussion over PQ, Recovery of Legal Costs of Strathclyde Police from Shirley McKie	To Robert Marshall; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
293.	72E.	22/04/2004	Discussion over PQ, Recovery of Legal Costs of Strathclyde Police from Shirley McKie	To John Rafferty; Copied to others From Robert Marshall	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
294.	72F.	22/04/2004	Discussion over PQ, Recovery of Legal Costs of Strathclyde Police from Shirley McKie. Seeking advice from solicitor	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
295.	72G.	22/04/2004	Discussion over PQ, Recovery of Legal Costs of Strathclyde Police from Shirley McKie. Seeking advice from solicitor	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
296.	72H.	21/04/2004	Discussion over PQ, Recovery of Legal Costs of Strathclyde Police from Shirley McKie. Seeking advice from solicitor	To John Rafferty; Copied to others From Ian McPherson (Strathclyde Police)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
297.	72I.	21/04/2004	Discussion over PQ, Recovery of Legal Costs of Strathclyde Police from Shirley McKie	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
298.	72J.	21/04/2004	Discussion over PQ	To Mike Blair; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
299.	72K.	21/04/2004	Discussion over PQ, Recovery of Legal Costs of Strathclyde Police from Shirley McKie	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
300.	73.	05/05/2004	Shirley McKie Update	To John Rafferty; Copied to others From Deputy First Minister & Minister for Enterprise	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
301.	74.	05/05/2004	Deputy First Minister comments on Shirley McKie Update	To Deputy First Minister; Copied to others From Minister for Justice	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N
302.	75.	06/05/2004	Shirley McKie Update	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
303.	76.	06/05/2004	Shirley McKie Update	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
304.	77.	06/05/2004	Shirley McKie Update	To Fiona Robertson; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
305.	80.	17/05/2004	Shirley McKie: General Assembly of the Church of Scotland Attached: Shirley McKie Update	To First Minister; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
306.	81.	18/05/2004	Shirley McKie v Scottish Ministers - Recovery of Documents	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
307.	83.	19/05/2004	Shirley McKie v Scottish Ministers - Recovery of Documents.	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
308.	83B.	17/05/2004	Minutes of Meeting : Shirley McKie v SJPB, Scottish Ministers and Others, Recovery of Documents	To Lord Advocate; Copied to others From Fiona Robertson (Divisional Solicitor)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
309.	84.	19/05/2004	Shirley McKie v Scottish Ministers - Recovery of Documents	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
310.	97A.	21/05/2004	Copy of Amended Draft Reply to Letter	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
311.	97B.	17/05/2004	Ministerial Correspondence System. MC's Returned for Re-draft	To James Laing From Alison Knox	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
312.	97C.	14/05/2004	Copy of Amended Draft Reply to Letter	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
313.	97D.	13/05/2004	Comments on Copy of Amended Draft Reply to Letter	To Fiona Robertson From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
314.	97E.	12/05/2004	Comments on Copy of Amended Draft Reply to Letter	To Fiona Robertson From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
315.	97F.	12/05/2004	Comments on Copy of Amended Draft Reply to Letter	To James Laing From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
316.	97G.	07/05/2004	Comments on McKie Case to MSP's	To Fiona Robertson From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
317.	98A.	21/05/2004	Amended Draft Reply to Letter	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
318.	98B.	18/05/2004	Comments on Copy of Amended Draft Reply to Letter	To James Laing From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
319.	98C.	13/05/2004	Comments on Copy of Amended Draft Reply to Letter	To Fiona Robertson From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
320.	104.	08/06/2004	Shirley McKie: John MacLeod's Report	To Fiona Robertson From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
321.	111A .	11/06/2004	Discussion on Written Answer	To John Rafferty; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
322.	111B .	11/06/2004	Discussion on Written Answer	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii)– P.I.T.	Y
323.	111 C.	11/06/2004	Discussion on Written Answer. Background Information included.	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
324.	111 D.	11/06/2004	Discussion on Written Answer. Background Information included	To John Rafferty; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
325.	111E .	08/06/2004	Discussion on Written Answer	To Ann Tocher; Copied to others From Neil MacLennan	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
326.	111F .	07/06/2004	Discussion on Written Answer	To Bill Baron; Copied to others From Ann Tocher	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
327.	111 G	07/06/2004	Discussion on Written Answer	To James Laing; Copied to others From Bill Barron	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
328.	111 H.	07/06/2004	Discussion on Written Answer	To James Laing From Catherine Brown	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
329.	111I.	07/06/2004	Discussion on Written Answer	To James Laing From Sheena Maclaren	Ss 30(b)(i) and (ii), 36(1) – P.I.T.	N
330.	111J .	07/06/2004	Discussion on Written Answer	To Neil MacLennan; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
331.	111K	07/06/2004	Discussion on Written Answer	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
332.	112.	25/06/2004	Invoice from McKie Case	To Scottish Executive, Victoria Quay From Parliament House, Edinburgh	S 36(1) P.I.T.	N
333.	113.	22/06/2004	Strathclyde Joint Police Board Paper in relation to Shirley McKie	To James Laing From Elizabeth Sadler	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
DDX 15/1/1 Part 010						
334.	1A.	24/06/2004	Discussion on PQ on SCRO; Attached: Background Note	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
335.	1B.	23/06/2004	Discussion on PQ on SCRO; Attached: Background Note	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
336.	1C.	23/06/2004	Discussion on PQ on SCRO; Attached: Background Note	To Kenny McInnes; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
337.	1D.	23/06/2004	Discussion on PQ on SCRO; Attached: Background Note	To Kenny McInnes; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
338.	1E.	23/06/2004	Discussion on PQ on SCRO	To John Rafferty; Copied to others From Kenny McInnes	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
339.	1F.	23/06/2004	Discussion on PQ on SCRO	To Louise Johnstone From James Laing	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T..	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
340.	1G.	23/06/2004	Discussion on PQ on SCRO. HMIC Inspections	To Louise Johnstone From James Laing	Released	n/a
341.	1H.	23/06/2004	Discussion on PQ on SCRO. HMIC Inspections	To John Rafferty From James Laing	Released	n/a
342.	1I.	23/06/2004	Discussion on PQ on SCRO. HMIC Inspections	To James Laing From Louise Johnstone	Released	n/a
343.	1J.	22/06/2004	Discussion on PQ on SCRO. HMIC Inspections Attached: Background Note	To John Rafferty; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii) - P.I.T.	Y
344.	1K.	22/06/2004	Discussion on PQ on SCRO. Attached: Background Note	To James Laing; Copied to others From Sheila Proctor	Ss 29(1)(a), 30(b)(i) and (ii), - P.I.T.	Y
345.	6.	02/07/2004	July 2nd McKie: Minutes of Meeting	To Elizabeth Sadler; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
346.	7.	02/07/2004	July 2nd McKie: Minutes of Meeting- Discussion	To Elizabeth Sadler; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
347.	8.	02/07/2004	July 2nd McKie: Minutes of Meeting- Discussion: Motion to Refuse Reclaiming Motion	To Elizabeth Sadler; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
348.	9.	05/07/2004	Senior Counsel Note 5th July: McKie	To Fiona Cavin; Copied to others From Richard Henderson (Solicitor)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
349.	9A.	05/07/2004	Senior Counsel Note: McKie Case	Note by Senior Counsel, Edinburgh	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
350.	10.	05/07/2004	Letter of Instruction from Fiona Cavin on McKie Case	To Richard Henderson (Solicitor); Copied to others From Fiona Cavin	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
351.	10A.	05/07/2004	Letter to arrange consultation in preparation for court on McKie Case	To Raymond Doherty Esq. Parliament House; Copied to Ruth Crawford From Fiona Cavin SE	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
352.	10B.	07/2004	Fingerprint Report from Mr. MacLeod (Berkley Security Bureau Forensic Limited)	Report by Mr. MacLeod	S 25(1)	N
353.	11.	05/07/2004	Discussion on court session Single Bills- Tuesday 6th July (Includes Summar Role)	To Colin Baxter; Copied to others From Richard Henderson (Solicitor)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
354.	11A.	05/07/2004	Note by Senior Counsel Includes Single Bill - Summar Roll	Note by Senior Counsel	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
355.	11B.	05/07/2004	Cover: Note by Senior Counsel	Cover: Note by Senior Counsel	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
356.	11C.	02/07/2004	Shirley McKie v Strathclyde Joint Police Board, Scottish Ministers and Others: Motion to Refuse Reclaiming Motion- Minutes of Meeting	To Lord Advocate; Copied to others From Richard Henderson (Solicitor VQ)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
357.	11D.	29/01/2004	Joint Note by Senior and Junior Counsel for the Scottish Ministers : McKie Case	Joint Note by Senior and Junior Counsel for the Scottish Ministers : McKie Case	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
358.	11E.	2004	Joint Note by Senior and Junior Counsel for the Scottish Ministers : McKie Case	Joint Note by Senior and Junior Counsel for the Scottish Ministers : McKie Case	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
359.	12.	05/07/2004	Discussion on court session Single Bills- Tuesday 6th July	To Colin Baxter; Copied to others From Jim Gallagher (Hod Justice)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
360.	13.	05/07/2004	Discussion on court session Single Bills- Tuesday 6th July	To Colin Baxter; Copied to others From Richard Henderson (Solicitor)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
361.	14.	06/07/2004	McKie v Scottish Ministers, Discussion on Summar Role and Minute of Amendment	To Lord Advocate; Copied to others From Richard Henderson (Solicitor)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
362.	15.	08/07/2004	Invoice on Hearing of Single Bills	To Office of the Solicitor (SE) From Parliament House	S 36(1) - P.I.T.	N
363.	16.	05/07/2004	July 2nd McKie	To Colin Baxter; Copied to others From Richard Foggo (on behalf of Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
364.	18.	13/07/2004	Shirley McKie v Scottish Ministers: Update, summary of events	To Minister for Justice From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
365.	19.	13/07/2004	Shirley McKie v Scottish Ministers: Update, summary of events	To James Laing; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
366.	20.	13/07/2004	Shirley McKie v Scottish Ministers: Update, summary of events	To Colin Baxter; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
367.	21.	13/07/2004	Shirley McKie v Scottish Ministers: Update, summary of events	To James Laing; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
368.	23.	14/07/2004	Shirley McKie Update, Summary of events	To Minister for Justice; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
369.	27.	07/2004	Invoice: Complete report in the Case of Shirley McKie	To SE VQ From Berkeley Security Bureau (Forensic) Ltd.	S 36(1) P.I.T.	N
370.	28.	22/07/2004	Shirley Jane McKie v Strathclyde Joint Police Board & Others: Minute	To Colin Baxter; Copied to others From Shona Bathgate (SE)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
371.	30.	22/07/2004	Shirley Jane McKie v Strathclyde Joint Police Board & Others: Minute	To Claire Monaghan; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
372.	37.	22/07/2004	Discussion on consultation on August 4th	To Elizabeth Sadler; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
373.	38.	22/07/2004	Discussion on consultation on August 4th	To John Rafferty; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
374.	39.	23/07/2004	Discussion on consultation on August 4th: Staff sensitivities	To John Rafferty; Copied to others From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
375.	40.	28/07/2004	Reply to Letter: Attached related letters	To Des McNulty MSP From Hugh Henry	S 38(1)(b)	N
376.	43.	28/07/2004	Expenses covered for individual fingerprint officers	To James Laing; Copied to others From Shona Bathgate	S 36(1) - P.I.T.	N
377.	44.	28/07/2004	Expenses covered for individual fingerprint officers	To Shona Bathgate; Copied to others From James Laing	S 36(1) - P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
378.	48.	13/05/2004	Expenses covered for individual fingerprint officers: Series of Invoices	To Scottish Executive From Various organisations	S 36(1) P.I.T.	N
379.	49.	30/07/2004	Discussion over Mr.MacLeod's Report	To John Rafferty; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
380.	50.	30/07/2004	Discussion over Mr.MacLeod's Report. Attached: Various notes from court of session and minute -procedural roll debate- Lord Wheatley's Opinion	To James Laing; Copied to others From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
381.	52.	09/08/2004	Briefing Note: Shirley McKie v Strathclyde Joint Police Board, Scottish Ministers and Others	To Claire Monaghan; Copied to others From Morag Bernard	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
382.	53.	09/08/2004	Minute of 6th August. Restricted-Shirley McKie	To Richard Henderson (Solicitor) From Karen McGuigan (on behalf of Solicitor General)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
383.	55.	11/08/2004	Minute of 6th August. Restricted-Shirley McKie	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
384.	56.	12/08/2004	Figures for past and future wage loss	To James Laing From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
385.	57.	12/08/2004	Figures for past and future wage loss	To Colin Baxter; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
386.	58.	12/08/2004	Figures for past and future wage loss. Further Discussion on case.	To James Laing; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
387.	59.	12/08/2004	Figures for past and future wage loss. Further Discussion on case.	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
388.	60.	12/08/2004	Figures for past and future wage loss	To John Rafferty; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
389.	61.	12/08/2004	Figures for past and future wage loss	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
390.	62.	12/08/2004	Figures for past and future wage loss	To Shona Bathgate from James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
391.	63.	12/08/2004	Figures for past and future wage loss. Shirley McKie's salary and rank	To James Laing From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
392.	64.	12/08/2004	Note of Discussion August 10th: Shirley McKie v Scottish Ministers	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
393.	65.	13/08/2004	Discussion over meeting and advice to ministers on McKie Case	To Colin Baxter; Copied to others From Richard Henderson (Solicitor)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
394.	66.	16/08/2004	Discussion over meeting and advice to ministers on McKie Case	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
395.	67.	16/08/2004	Discussion over meeting and advice to ministers on McKie Case	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
396.	68.	16/08/2004	Financial concerns in McKie Case	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
397.	69.	16/08/2004	Financial concerns in McKie Case	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
398.	70.	18/08/2004	Financial concerns in McKie Case	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
399.	71.	18/08/2004	Discussion on McKie Case	To John Rafferty From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
400.	72.	18/08/2004	OSSE Debit Wrong Cost Code	To Colin Gray From Simon Ramsay	S36 (1) - P.I.T.	N
401.	73.	18/08/2004	Draft Minute to Minister following the Minutes from Richard Henderson.	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
402.	74.	18/08/2004	Advice on McKie Case	To John Rafferty; Copied to others From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
403.	75.	19/08/2004	Chief Constables Meeting with Head of Justice Department 23rd August. Minute Attached	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
404.	77.	20/08/2004	Financial concerns in McKie Case. Attached: Minute on Settlement of action	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
DDX 15/1/1 Part 011						
405.	1.	24/08/2004	Financial Concerns over Shirley McKie's Loss of Earnings and Pension	To Shona Bathgate; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
406.	2.	24/08/2004	Discussion over McLeod Report	To James Laing From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
407.	2A.	/07/2004	MacLeod Report, Berkley Security Bureau (Forensic) Limited	MacLeod Report	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
408.	2C.	2004	Joint Note by Senior and Junior Counsel. McKie Case	Note by Counsel	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
409.	2D.	24/08/2004	Shirley McKie Update 18-08-04. Attached : Note and Brief History of Events	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
410.	3.	24/08/2004	Shirley McKie Update 24-08-04. Attached : Note and Brief History of Events	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
411.	4.	31/08/2004	Financial Concerns over Shirley McKie's Loss of Earnings and Pension	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
412.	5.	13/10/2004	Invoice from Berkeley Security Bureau, McKie Case	To Scottish Executive From Berkeley Security Bureau (Forensic) Ltd.	S 36(1) P.I.T.	N
413.	6.	31/08/2004	Financial Concerns over Shirley McKie's Loss of Earnings and Pension	To Shona Bathgate; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
414.	7.	02/09/2004	SEAS Journal Request Form, McKie Case. Attached: Various Invoices	To Colin Baxter From Anne Graham	Part released amount in invoice - court fees. S36(1)	Partial – disclose amount paid to counsel

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
415.	8.	02/09/2004	Letter from SCRO. Discussion over use of PC to certify McKie's fingerprint	To Fiona Robertson (SE) From William T. M. Innes (SCRO)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
416.	9.	02/09/2004	Financial Concerns over Shirley McKie's Loss of Earnings and Pension	To James Laing; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
417.	10.	03/09/2004	Financial Concerns over Shirley McKie's Loss of Earnings and Pension	To Shona Bathgate; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
418.	11.	03/09/2004	Financial Concerns over Shirley McKie's Loss of Earnings and Pension	To James Laing; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
419.	12B.	07/09/2004	Discussion over Reply to Letter	To James Laing; Copied to others From Fiona Robertson	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
420.	12C.	07/09/2004	Discussion over Reply to Letter	To Shona Bathgate; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
421.	12D.	26/08/2004	Discussion over Reply to Letter	To James Laing; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
422.	12E.	26/08/2004	Discussion over Reply to Letter	To Shona Bathgate; From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
423.	12F.	23/08/2004	Discussion over Reply to Letter	To Fiona Robertson; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
424.	13.	17/09/2004	Counsel -Arguments over settlement McKie Case	To John McCroskie; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
425.	18.	21/09/2004	Late SCANCE contribution on McKie	To PS/JD; Copied to others From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
426.	19.	21/09/2004	Late SCANCE contribution on McKie	To Claire Monaghan; Copied to others From Richard Foggo (on behalf of Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
427.	22.	28/09/2004	SEAS Journal Request Form , McKie Case. Attached: Various Invoices	To Colin Baxter From Margaret Rooney	Released amount in invoice - court fees.	N
428.	23.	01/10/2004	Motion from Digby Brown. Attached: Note on Consultation Meeting on Thursday 16th September	To Jim Gallagher; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
429.	24.	01/10/2004	Motion from Digby Brown Solicitors	To Colin Baxter; Copied to others From Jim Gallagher (HoD Justice)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
430.	25.	01/10/2004	Motion from Digby Brown Solicitors	To Shona Bathgate; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
431.	28.	15/10/2004	Shirley McKie v The Scottish Ministers: Note by Senior Counsel	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
432.	29.	16/10/2004	Shirley McKie v The Scottish Ministers: Note by Senior Counsel	To Colin Baxter; Copied to others From Jim Gallagher (HoD Justice)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
433.	30.	25/10/2004	Invoice, McKie Case	To Scottish Executive From Parliament House	S 36(1) – P.I.T.	N
434.	31.	29/10/2004	Evidence of Proof Against Scottish Ministers, timescales	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
435.	32.	29/10/2004	Evidence of Proof Against Scottish Ministers, timescales	To James Laing; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
436.	33.	01/11/2004	Evidence of Proof Against Scottish Ministers, timescales	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
437.	34.	01/11/2004	Evidence of Proof Against Scottish Ministers, timescales	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
438.	35.	02/11/2004	Shirley McKie v Scottish Ministers MfJ's meeting with FM on 3rd November 2004	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
439.	36.	02/11/2004	Shirley McKie v Scottish Ministers MfJ's meeting with FM	To Colin Baxter; Copied to others From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
440.	39.	08/11/2004	Civil Action Restricted Policy. Attached: Note on Policy	To John Rafferty From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
441.	41.	09/11/2004	Civil Action Restricted Policy	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
442.	42.	11/11/2004	Civil Action Restricted Policy: Draft	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
443.	43.	11/2004	Civil Action Restricted Policy: Draft	Policy	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
444.	45.	12/11/2004	Henry Faulds/ Parliamentary Awards Evening	To Shona Bathgate; Copied to others From Claire Monaghan	S 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
445.	46.	16/11/2004	Civil Action Restricted Policy, Draft	To Claire Monaghan; Copied to others From Morag Bernard	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
446.	47.	17/11/2004	Civil Action Restricted Policy, Draft	To Colin Baxter; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
447.	48.	17/11/2004	Civil Action Restricted Policy, Draft	To Colin Baxter; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
448.	49.	17/11/2004	Civil Action Restricted Policy, Draft	To Richard Henderson (Solicitor); Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
449.	51	30/11/2004	Court of Session, Shirley McKie (Pursuer) v The Scottish Ministers (Second Defenders) And Others	To Lord Advocate From David A. Russell Towells Solicitors, Regulated by the Law Society on behalf of Peter Swann Independent Fingerprint Expert	S 25(1)	N
450.	51A.	25/11/2004	Disciplinary Tribunal Shirley and Iain McKie v Peter Swann	Note of Disciplinary Tribunal	S 36(2)	Y
451.	56.	02/12/2004	Discussion on Council of the Registration of Forensic Practitioners, Disciplinary Tribunal Hearing in the Case of Peter Swann	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
452.	56A.	30/11/2004	Council of the Registration of Forensic Practitioners, Disciplinary Tribunal Hearing in the Case of Peter Swann	To Lord Advocate From David A. Russell Towells Solicitors, Regulated by the Law Society on behalf of Peter Swann Independent Fingerprint Expert	S 25(1)	N
453.	57.	02/12/2004	Discussion on FOI request from Iain McKie	To Deputy Crown Agent PA From Bill Gilchrist	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
454.	58.	02/12/2004	McKie Closed Record	To Colin Baxter; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
455.	59.	02/12/2004	McKie Closed Record	To James Laing; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
456.	60.	02/12/2004	McKie Closed Record	To Colin Baxter; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
457.	63.	03/12/2004	Civil Action :Shirley McKie v Scottish Ministers, Advice on Next Steps	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
458.	65.	07/12/2004	Civil Action :Shirley McKie v Scottish Ministers, Advice on Next Steps. Draft Note	To Morag Bernard; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
459.	69.	08/12/2004	Civil Action :Shirley McKie v Scottish Ministers, Advice on Next Steps. Draft Note	To Richard Henderson (Solicitor); Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
460.	70.	08/12/2004	Civil Action :Shirley McKie v Scottish Ministers, Advice on Next Steps. Draft Note	To Shona Bathgate; Copied to others From Richard Henderson (Solicitor)	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
461.	71.	08/12/2004	Discussion over letter from the solicitors of Mr. Swann. Attached: Letter from Solicitor	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
462.	72.	10/12/2004	Civil Action :Shirley McKie v Scottish Ministers, Advice on Next Steps. Draft Note	To Colin Baxter; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
463.	73.	10/12/2004	Swann Report and Statement of Mr. Mckie to be sent to Messrs Thompsons	To Colin Baxter; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
464.	74.	10/12/2004	Undernoted Motion to be enrolled on Tuesday 14th December- To be opposed	To Colin Baxter; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
465.	75.	13/12/2004	Letter from Towells Solicitors on behalf of Peter Swann, Independent Fingerprint Expert	To Cathy Jamieson MSP, Minister for Justice From Towells Solicitors	S 36(2)	Y
466.	75A.	16/03/1999	Fingerprint Analysis, Fingerprint Evidence in HMA v Shirley Jane McKie	Report by Peter Swann	S 25(1)	N
467.	75B.	16/03/1999	Fingerprint Analysis, Independent Consultant to the Legal Profession, Additional Report	Additional Report by Peter Swann	S 25(1)	N
468.	76.	13/12/2004	Blue Paper for Minister of Justice Civil Action :Shirley McKie v Scottish Ministers, Advice on Next Steps.	To First Minister; Copied to others From Morag Bernard	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
469.	77.	14/12/2004	Answer to questions regarding evidence and court, McKie	To Claire Monaghan; Copied to others From Douglas Tullis	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
			Case			
470.	79.	14/12/2004	Answer to questions regarding evidence and court, McKie Case	To Douglas Tullis; Copied to others From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
471.	80.	14/12/2004	Discussion over Evidence and Court	To Claire Monaghan; Copied to others From Douglas Tullis	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
472.	81.	14/12/2004	Discussion over Evidence and Court	To Douglas Tullis; Copied to others From Chris Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
473.	82.	14/12/2004	Discussion over Evidence and Court	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
474.	83.	14/12/2004	Discussion over Evidence and Court	To Colin Baxter; Copied to others From John McCroskie	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
475.	92.	17/12/2004	Discussion on Civil Action McKie Case	To Minister for Justice; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
476.	93.	17/12/2004	Judge Difficulties on Motion of 16 December 2004	To Claire Monaghan; Copied to others From Colin Baxter	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
DDX 15/1/1 Part 012						
477.	3.	20/12/2004	Shirley McKie v Scottish Ministers	To Morag Bernard; Copied to others From Richard Foggo	Ss 29(1)(a) and (b), 30(b)(i) and (ii), 36(1) – P.I.T.	N
478.	7.	21/12/2004	Discussion over Iain McKie FOI Request	To Michael Neale; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
479.	8.	22/12/2004	Discussion over Iain McKie FOI Request	To John Rafferty From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
480.	9.	22/12/2004	Correspondence relating to an action by the council for the Registration of Forensic Practitioners (CRFP)	To Claire Monaghan; Copied to others From Harry Bell	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
481.	10.	23/12/2004	Correspondence relating to an action by the council for the Registration of Forensic Practitioners (CRFP)	To Harry Bell; Copied to others From Claire Monaghan	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
482.	12.	24/12/2004	Discussion over Iain McKie FOI Request	To Claire Monaghan; Copied to others From John Rafferty	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
483.	13.	14/01/2005	McKie Case: Cautions for Proof: 7 February 2006 and 19 Following Days	To Richard Foggo; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
484.	14.	21/01/2005	Letter to Minister from Solicitors over Court Proceedings	To Cathy Jamieson (Minister for Justice) From Towells Solicitors (representatives of Peter Swann, Independent Fingerprint Expert)	S 36(2) P.I.T.	Y
485.	15.	25/01/2005	McKie Case: Cautions for Proof: 7 February 2006 and 19 Following Days	To Shona Bathgate From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
486.	16.	25/01/2005	Briefing Note: Shirley McKie v Scottish Minister: Update on Developments. Attached: Summary of McKie case and outline timetable	To Claire Monaghan; Copied to others From Bridget Campbell	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
487.	18	11/02/2005	McKie - Procedure Roll Expenses	To Claire Monaghan; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
488.	19	17/02/2005	McKie - Procedure Roll Expenses	To Claire Monaghan; Copied to others From Shona Bathgate	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
489.	20	03/03/2005	Invoice from McKie Case	To Scottish Executive From Parliament House	S 36(1) P.I.T.	N
490.	22	23/03/2005	SEAS Journal Request Form, McKie Case, Invoice	To Colin Baxter From Solicitors Office Finance Unit	Released information in invoice – court fees	N
491.	23B	05/04/2005	Shirley McKie MCS Case 2005/0007083	To Solicitor General; Copied to others From Evelyn McKenna on behalf of Minister for Justice	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
492.	23C	24/03/2005	Shirley McKie MCS Case 2005/0007083	To James Laing From Susan Thomson (on behalf of Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
493.	23D	24/03/2005	Shirley McKie MCS Case 2005/0007083	To Minister for Justice From James Laing	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
494.	23E	24/03/2005	Shirley McKie MCS Case 2005/0007083	To James Laing From Susan Thomson (on behalf of Mnister for Justice)	Ss29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y

Decision 109/2010
Iain McKie and Mhairi McKie
and the Scottish Ministers



Doc. No.		<u>Description</u>				
New	Old	Date	Title	From and to	Released/ exemptions applied	Release
495.	23H	23/03/2005	Shirley McKie MCS Case 2005/0007083	To Deputy Minister for Justice; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii), 36(1) – P.I.T.	N
496.	23I	23/03/2005	Shirley McKie MCS Case 2005/0007083	To James Laing From Susan Thomson (on behalf of Minister for Justice)	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
497.	23J	23/03/2005	Shirley McKie MCS Case 2005/0007083	To Minister for Justice; Copied to others From James Laing	Ss 29(1)(a), 30(b)(i) and (ii) – P.I.T.	Y
498.	24	05/04/2005	Invoice from McKie Case	To Scottish Executive From Faculty Services Limited Parliament House	S 36(1) P.I.T.	N