



Scottish Information  
Commissioner

**Decision 167/2006 Sandra Uttley and the Chief  
Constable of Central Scotland Police**

*Time photographs taken at Dunblane Primary School*

**Applicant: Sandra Uttley  
Authority: Chief Constable of Central Scotland Police  
Case No: 200503210  
Decision Date: 6 September 2006**

**Kevin Dunion  
Scottish Information Commissioner**

Kinburn Castle  
Doubledykes Road  
St Andrews  
Fife  
KY16 9DS



## Decision 167/2006 Ms Sandra Uttley and the Chief Constable of Central Scotland Police

***Whether detailed information about the time photographs were taken is held by the Police – the Commissioner found that the Police complied with the request.***

### Relevant Statutory Provisions and other Sources

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Freedom of Information (Scotland) Act 2002 sections 1(1) (General entitlement) and section 25 (Information otherwise accessible).

The full text of these provisions is reproduced in the Appendix to this decision. The Appendix forms part of this decision.

### Facts

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Ms Uttley made an information request under the Freedom of Information (Scotland) Act 2002 (FOISA) to the Chief Constable of Central Scotland Police (the Police) for the time at which photographs of the crime scene were taken on 13 March 1996, i.e. the day of the shootings at Dunblane Primary School. The Police provided her with the information they held about the timing of the photographs. Ms Uttley was dissatisfied with the information provided as she felt that the information was not sufficiently precise and that the Police must hold additional information. After review, she applied to the Commissioner for a decision.

The Commissioner found that more precise information was not held by the Police and that the Police had complied with Part 1 of FOISA in dealing with Ms Uttley's request.



## Background

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1. On 27 September 2005, Ms Uttley asked the Police to tell her the time at which photographs of the crime scene were taken on 13 March 2006. As a result of previous correspondence with Ms Uttley, the Police were aware that the request related to the shootings at Dunblane Primary School on that day.
2. In response, the Police advised Ms Uttley of a statement made at the Cullen Inquiry (the Inquiry) that a photograph showing Thomas Hamilton's body was taken by the police photographer "probably some time after 11 o'clock that morning" (i.e. on the morning of the shootings). Although the Police advised Ms Uttley that the information was exempt in terms of section 25 of FOISA (presumably as the information is available from the Keeper of the Records of Scotland, i.e. the National Archives of Scotland – see section 25(2)(b)(ii)), they supplied the information to Ms Uttley in their response.
3. Ms Uttley wrote to the Police on the same day, again asking the same question. It appears that she had already been aware of the statement made at the Inquiry, but felt that this was too vague and expected the Police to hold additional information about the timing of the photographs.
4. The Police responded to say that they could not be more precise, because police photographers do not as a rule record the precise times when they take photographs of crime scene. Ms Uttley subsequently asked the Police to carry out a review as she understood the response to be untrue on the basis that the time would in fact have been logged and that there would be other records kept.
5. The Police subsequently carried out a review and, on 11 November 2005, upheld its original decision, except they made it clear that when they had said that police photographers *do not* as a rule record the precise times when photographs were taken, they intended to say that police photographers *did not* as a rule record the precise times.
6. Ms Uttley subsequently applied to me for a decision as to whether the Police's response had complied with FOISA. The case was allocated to an investigating officer and the application was validated by establishing that Ms Uttley had made a request for information to a Scottish public authority and had applied to me only after asking the public authority to review its response to her request.



## Investigation

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7. The investigating officer notified the Police of the application made by Ms Uttley and invited its comments in terms of section 49(3)(a) of FOISA. The Police were asked to confirm whether they hold any information relating to the time of the photographs other than the evidence which was led at the Inquiry. The Police were also asked to confirm what searches were carried out to ascertain whether this information exists and to confirm whether there are any guidelines which police photographers must adhere to in recording information about the time at which photographs are taken.
8. In their response, the Police confirmed that they do not hold any further information relating to the specific time photographs of the crime scene within Dunblane Primary School were taken on 13 March 1996 and that the only information they hold in this regard is that which is contained within the statement provided by the Police photographer, which is accessible from the National Archives of Scotland. This is the statement the Police quoted in their response to Ms Uttley.
9. As a result of Ms Uttley's information request, the Police photographer, who is still employed by the Police, was questioned about the timing of the photographs. The photographer confirmed that he did not record a start or finish time in his notebook for this particular incident and that this was an oversight due to the pressure of work and the stressful nature of the incident. As the Police comment, given the circumstances surrounding this particular incident, this is understandable.
10. The Police also commented that, in 1996, photographs were captured on 35mm film rather than on digital images, which would have automatically captured time and date. As a result, there is no technical solution to Ms Uttley's enquiry.
11. In response to the query from the investigating officer, the Police also confirmed that guidelines are now in place for the capture, processing and presentation of digital images within the Scottish Criminal Justice System. These were implemented by the Police in 2005.



## **The Commissioner's Analysis and Findings**

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12. I am satisfied from the information provided to me by the Police that no further information is held about the time at which the photographs of the crime scene at Dunblane Primary School were taken. This is on the basis of the year in which the photographs were taken (1996), the medium which was used to take the photographs (35mm rather than digital) and the statement made by the Police photographer. I have also taken account of the fact that evidence about the timing of the photographs was given on oath at the Inquiry.

## **Decision**

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I find that the Chief Constable of Central Scotland Police (the Police) complied in full with Part 1 of the Freedom of Information (Scotland) Act 2002 in responding to the information request made by Ms Uttley.

## **Appeal**

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

**Kevin Dunion**  
**Scottish Information Commissioner**  
**6 September 2006**



## 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.

##### 25 Information otherwise accessible

- (1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.
- (2) For the purposes of subsection (1), information –
  - (a) ...
  - (b) is to be taken to be reasonably obtainable if –
    - (i) ...
    - (ii) the Keeper of the Records of Scotland holds it and makes it available for inspection and (in so far as practicable) copying by,  
  
members of the public on request, whether free of charge or on payment.
- (3) ...