

www.shirleymckie.com: 'That was the week that was.'

23 August 2006

- This is one of an occasional series over the summer to keep readers up to date.
- As already intimated the next major event will be the resumption of the **Parliamentary Enquiry** in September. It is a critical time for the enquiry as only a few witnesses remain to be questioned. There is likely to be considerable interest in the appearance of Scottish Ministers like the **Lord Advocate Colin Boyd** and **Minister for Justice Cathy Jamieson**. The re-appearance of **David Mulhern** and **James MacKay** author of the '**MacKay Report**' will hopefully throw more light on what happened in the past and what is planned for the future. The success of the next phase of **Mr Mulhern's 'Action Plan'** for the **Scottish Fingerprint Service** will determine just how successful he has been in resolving the ongoing rift between SCRO and some of the other fingerprint bureaux.

Remember the excellent **SCRO Enquiry home page** that can be found on the Scottish Parliament website. It shows clearly how the enquiry has developed to date.

<http://www.scottish.parliament.uk/business/committees/justice1/ScottishCriminalRecordOfficeInquiryHomepage.htm>

- A full summary **MacKay report** is still available on the **BBC website**.
<http://news.bbc.co.uk/1/hi/scotland/4967160.stm>
- Iain's efforts to obtain copies of the **1200 documents** refused by the **Scottish Executive** and **SCRO** under the **Freedom of Information Act** have been thwarted. After over 18 months of negotiations during which substantial numbers of documents have already been released the Executive has invoked a condition under **section 12(1) of the Freedom of Information (Scotland) Act 2002 (FOISA)** that states a public authority need not comply with an information request if the cost of doing so **exceeds £600**. In a letter from the Commissioner Iain has been informed that the Commissioner cannot force the Executive to release documents where the cost exceeds that amount. Because the request will clearly exceed £600 and the Commissioner has no power to force release and under these circumstances, *'he will not carry out any further investigation.'*

Iain has been advised that to appeal this decision could take up to **another year** and has therefore withdrawn his application.

This disappointing decision clearly highlights a cynical **Scottish Executive** with little regard for the principles of '**openness and accountability**'. Clearly a determined Executive can easily thwart the Freedom of Information Act and turn it into a toothless piece of legislation. Further moves are however afoot to re-submit the requests in a different form.

- Over the period **30 August to 5 September** Iain will be an internet guest lecturer during a '**Forensic Science Under the Microscope**' course being held in the **Fairleigh Dickinson University** in the USA. Along with other guests from across the world he will answer student's questions over the internet as part of the syllabus.
- Thanks as ever for the continuing **messages of support**.