29 February 2012

Dear Ken,

Further to our recent correspondence in relation to the data protection issues surrounding the Al-Megrahi case in the context of the Criminal Cases (Punishment and Review) (Scotland) Bill, I was grateful for your letter of 3 February which indicated that your officials would discuss the data protection obstacles with the Scottish Criminal Cases Review Commission, and I understand that contacts have now taken place between officials.

However, since our most recent exchange, you will be aware that a number of reports apparently containing content from the Statement of Reasons in the Al-Megrahi case have appeared in the media. In particular, there has been a new book published which apparently contains significant content from the Statement of Reasons. There has also been a BBC Scotland documentary which also apparently included significant content from the Statement of Reasons. Today’s Herald newspaper reportedly quotes directly from the Statement of Reasons.

I firmly believe that the very selective reporting of content from the Statement of Reasons has now made it imperative that the Commission is given the power to consider placing a balanced account of its Statement of Reasons in the public domain. Consequently, I believe that the genuine and compelling public interest justification for an exception to be made to data protection restrictions to help facilitate the release of the information by the Commission is stronger than ever.
In light of recent events, I should be grateful for early confirmation that the UK Government is prepared to make an exception to data protection legislation in this case.

KENNY MACASKILL