I am writing to ask the UK Government to take action to remove data protection obstacles to the publication by the Scottish Criminal Cases Review Commission ('the Commission') of its Statement of Reasons in the case of Mr Al-Megrahi.

As you know, the Scottish Government has a long standing commitment to take the necessary legislative steps that we can within devolved competence to enable the release of the Statement of Reasons in the Al-Megrahi case. I raised this issue with you last September when I met you in London so you will be aware of the general background.

I have today introduced a Bill into the Scottish Parliament that, if approved by MSPs, will give statutory authority to the Commission to decide whether it is appropriate to disclose a Statement of Reasons in cases they have investigated where an appeal has subsequently been abandoned. Although the legislation will be general, it will apply in the circumstances of the Al-Megrahi case. The legislation will disapply the non-disclosure offence provisions to which the Commission is currently subject and allow the Commission to decide whether it is appropriate, in all the circumstances of a case, to disclose information. However, the Commission has advised that notwithstanding our legislation, data protection legislation is likely to prove a significant barrier to the release of information. Along with this letter, I provide a copy of our Bill and the accompanying documents to the Bill.

The UK Government has made a significant commitment to transparency on the Lockerbie issue since coming to office last year. This was demonstrated by the Prime Minister's request to the Cabinet Secretary to review the papers held by the UK Government relating to the release of Mr Al-Megrahi and the subsequent publication of a report detailing these papers and publishing for the first time a large number of internal UK Government documents. We welcomed this important step and believe such an approach has helped aid public understanding of the issues.
It is very much in that vein that we made our commitment to take the steps necessary to improve transparency further by creating a legislative framework that would enable the Commission to publish its Statement of Reasons. There continues to be extensive, but partial, reporting of the detailed contents of the Statement of Reasons in the media which, in my view, tilts the balance of interest yet further towards full publication.

We are, of course, well aware that data protection legislation exists for a purpose and that it is not to be put aside lightly. However, as the publication of a previously unprecedented level of documents and records by both the UK and Scottish Governments has shown, the Al-Megrahi case is in many ways unique. We believe there is a compelling and genuine public interest justification for making an exception to data protection legislation in this case and that such an exception would not set a wider precedent.

Kind regards,

KENNY MACASKILL