| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0607  Responded to: 25 March 2024 |
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Your recent request for information is replicated below, together with our response.

## I would like all guidance, rules, check lists, procedures or information given to anyone responsible for processing people arrested with regards to Intimation of Arrests and contacting a Reasonably Named Person.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

This information can be found at public source. All information and guidance provided to anyone responsible for processing persons who are arrested is derived from the Criminal Justice (Scotland) Act 2016.

Chapter 1 and 5 of the act covers the information relating to intimation of arrest and contacting a reasonably named person.

Specifically, sections 3 to 6 contained within Chapter 1 and 38, 39, 40 & 43 of Chapter 5.

This information (including the entire Criminal Justice Scotland Act 2016) can be found on the following website [www.legislation.gov.uk](http://www.legislation.gov.uk).

In addition the Criminal Justice Scotland Act 2016 (arrest procedure) can be found on the Police Scotland website - [Standard Operating Procedure (SOP) Review Template (scotland.police.uk)](https://www.scotland.police.uk/spa-media/dvlnu5og/criminal-justice-scotland-act-2016-arrest-process-sop.pdf)

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.