

Our Ref: IM-FOI-2022-2179
Date: 3rd November 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

All the information stored about an individual on the Criminal History System. Please include every kind of outcome that is stored on the system including but not limited to, Recorded Police Warnings and how long they are retained on the system, Fixed Penalty Notices and how long they are retained on the system, arrests for any suspected crime and how long they are retained on the system, caution and charges for any suspected crime and how long they are retained on the system, alternatives to prosecution for an alleged offence and how long this is retained on the system, criminal convictions and how long they are retained on the system, court orders an individual is subject to and how long each type of order is retained on the system. Please also include any variation in how long these outcomes are stored on the system. For example, crimes tried under summary procedure being stored for a shorter period of time than crimes tried under solemn procedure, or different types of alternatives to prosecution being retained on the system.

Please be advised that the information you are seeking is publicly available on the Police Scotland website.

As such, 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”

The information you are seeking is available via the following link:

OFFICIAL

<https://www.scotland.police.uk/spa-media/himljwyi/recording-weeding-and-retention-of-info.pdf>

Please note that Court Order information is not recorded and there is no distinction between summary and solemn cases.

Should you require any further assistance please contact Information Management Dundee, quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalrnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.