| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1071  Responded to: 13 May 2024 |
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Your recent request for information is replicated below, together with our response.

## I'd like to see all (or some of if there isnt' time to give all) of the legal advice that the force has received in the last 5 years (or less if there isn't time) concerning what makes an arrest legal or illegal.

## I'm assuming that every time there is a new case eg Metropolis v MR, there are communications to the police force heirarchy and those responsible for training the police officers who are personally required to make decisions on whether they can carry out an arrest.

## You are required to help me, so you'll know how best to get this information.

## I assume there's a file somewhere called "legal advice", something like that.

## And then the latest information on case law needs to get passed on to all the police officers and custody officers in this very complicated area.

I can advise this information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

**Section 36 (2) – Confidentiality - actionable breach of confidence**

The relevant agreement imposes an obligation to keep such information confidential and disclosure would amount to an actionable breach of confidence given the terms of the agreement.

This is an absolute exemption which does not require a public interest test.

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.