| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0099  Responded to: 27th January 2023 |
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Your recent request for information is replicated below, together with our response.

## I wish to enquire how long a police caution says on the record i.e. the CHS system , I was under the impression it’s 2 years but I also been told it’s 6 and can it be used in court to imply a bad and for how long?

In response to your request, I must first of all advise you that a caution in Scotland has a different meaning to that in England and Wales.

In England and Wales, the term relates to a formal police warning.

In Scotland a caution is common law, used when interviewing a suspect, taking a statement from someone who may end up being an accused person, or when charging someone.

The caution is simply informing that person of their rights.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

To be of some assistance however, Police Scotland’s Recording, Weeding and Retention of Information on the Criminal History System (CHS) guidance can be found on our website via the below link:-

[Recording, Weeding and Retention of Information on CHS Guidance](https://www.scotland.police.uk/spa-media/himljwyi/recording-weeding-and-retention-of-info.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.