

OFFICIAL

Our Ref: IM-FOI-2022-2305
Date: 22 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.

Please can i ask whether or not any of your detainees in your custody centre have ever been given a room to speak to their solicitor that either has a microphone / intercom unit in? and if so what were the conditions?

We advised you that section 44 of the Criminal Justice (Scotland) Act 2015 provides that a person who is in police custody has the right to have a *private* consultation with a solicitor at any time.

We asked you to clarify whether you were looking to establish whether such a consultation has ever taken place in a room which has recording facilities - ie an interview room - even if these facilities were not in use for the duration of the conversation?

You confirmed:

**Just do the last 1 year please.
Yes i want to clarify even if the recording equipment was switched off**

I can advise you that there is no facility on the Police Scotland National Custody System to record when and/ or where solicitor consultations take place.

On that basis, section 17 of the Act applies as the information is *not held* by Police Scotland.

I would stress once again that legislation requires that consultations with solicitors are *private*.

Should you require any further assistance please contact Information Management 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.

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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, Dalmarnock, 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.