| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2280  Responded to: 13 September 2024 |
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Your recent request for information is replicated below, together with our response.

**1. With regard to cases investigated by police which are not reported to the procurator fiscal, how long would information of the facts of the incident be held for? This is specifically for non-solumn crimes such as assault or breach of the peace.**

**2. Police Scotland have an SOP for the removal of data. Does this include all information held by the police. To expand, would this include only productions/statements/photographs etc but not summaries of incident facts? I.e if an officer were to search for a the name of an individual who had been accused of assault 15 years ago, would any information be available if that case was not referred for prosecution? If yes, what information would still be available and what information would have been deleted during that time.**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The information sought is publicly available:

[**Record Retention SOP**](https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.docx) page 38 onwards will assist you.

**3. If such information (case information linked against an individual who was not prosecuted for something 15 years ago) is on Police Scotland systems, what is your policy for allowing a request for complete deletion of the incident information.**

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The information sought is publicly available:

[Your Rights - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/your-rights/)

If you would like to find out what information Police Scotland hold about you, you can submit a request using the following link [Subject Access Requests - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests)

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.