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Our Ref: IM-FOI-2022-0417
Date: 24th February 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.

As part of a wider request dealt with under the Data Protection Act 2018 you asked for the following which has been dealt with under the Freedom of Information (Scotland) Act 2002.

In 1998, did Police have the power to force people to provide handwritten samples?

No – Police cannot force someone to provide handwritten samples. They would be asked under caution to provide but advised it was not obligatory.

In 1998, could a suspect refuse to comply with a request to provide handwritten samples?

Yes

Has the law on the above two points since 1998? If so, what is the current stance?

The law is still the same – accused / suspects are asked to provide handwriting samples under caution but they are not obliged to comply, i.e. they can refuse.

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.

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.pnn.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.

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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.