| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0668  Responded to: 13 March 2024 |
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Your recent request for information is replicated below, together with our response.

## Please be advised that the following questions have been answered under the Freedom of Information Act as they do not fall under Subject Access Request legislation – the rest of your SAR will be answered by the Data Protection team separately.

## 1. Can you tell me why a conviction is not rectified automatically, after a person has been to the appeal court and has had allegations deleted from conviction + charge, with Police knowledge. I gave SCCRC, the my notification form, at the last time I signed on at Police Station for non-crime.

I can advise you that Police Scotland receives information on a daily basis from the Scottish Courts Service and the Criminal History System is updated accordingly.

You may be interested in the following: [Record Retention Standard Operating Procedure - Police Scotland](https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.docx)

If you believe that your own record is incorrect you can apply for Right to Rectification. Further details and a submitting form are available on our website: [Your Rights - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/your-rights/)

## 2. If I was looking for an apology from the Police who would I ask.

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: [Complaints - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/complaints/)

## 3. To seek compensation from Police, what does the Police have to have done wrong for this to happen. And what is the form called at court that starts the process.

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. You may wish to consult a solicitor for advice.

## 4. Would a serving Police Officer have to declare her, or his friendship of 2 of the wittness’s in so sensitive a case.

I must advise you that in terms of the Freedom of Information (Scotland) Act 2002, a public authority is only obliged to provide recorded information. Under Section 8 of the Act, information which requires a comment response is not in essence a valid request.

However, to be of assistance, I can advise you that Code of Ethics for Policing in Scotland and Our Standards of Professional Behaviour are available on our website:

[Code of Ethics for policing in Scotland - Police Scotland](https://www.scotland.police.uk/about-us/who-we-are/code-of-ethics-for-policing-in-scotland/)

[Our Standards of Professional Behaviour - Police Scotland](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/)

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.