

Our Ref: IM-FOI-2022-1188
Date: 28 June 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.

Do Police Scotland have:

(a) any arrangements or practice with the Home Office for holding new arrivals (to the UK) who wish to apply or register a claim for asylum, in Police Scotland custody suites;

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 yes/no response is not in essence a valid request.

If you wish to refine your request to seek recorded information your request will be considered and an appropriate response provided.

(b) how many such persons have been held in these suites from 1 April 2021 to 31 March 2022; and

(c) what police stations have been used (and if possible, what numbers in each station) from 1 April 2021 to 31 March 2022?

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, any such instances would be recorded on the National Custody System (NCS) as Other / Other.

The category Other / Other is a free text section where an officer can record a reason for custody, however, this category covers various different reasons for the custody. Further, data cannot be extracted electronically.

A search of the Other/Other category on NCS has identified 1560 records during the time frame requested. The ones which were not immigration related were removed resulting in

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706 records and each of these would have to be physically examined to establish if they meet your criteria. If it took 5 minutes to look through each record then calculations show that it would take 59 hours and cost £882 to complete this task which is in excess of the cost limits prescribed by the Scottish Ministers under the Act.

Lastly there could be other records where an asylum seeker has been an officially or not officially accused (or other) and as a result of them being in custody they may have taken the opportunity to seek Asylum. Without going through every single NCS record to check on free text regarding this we will never be able to identify those individuals.

Should you require any further assistance please contact Information Management - Glasgow at – foi@scotland.police.uk – 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.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.