

Our Ref: IM-FOI-2018-0511

Date: 5 April 2018



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.

In this instance I have interpreted your request as seeking information held as part of the Criminal History System (CHS) records set. Police Scotland only create such information and upload images to CHS when an individual is cautioned and charged with an offence.

Your request for information has now been considered and a decision was made to provide some of the information requested by you. Some of the information requested by you is, however, considered to be exempt. Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

For ease of reference, your request is replicated below together with the response.

1) What practical procedure/s does your force have in place to ensure the review and or deletion of custody images after 6 years?

The following exemption is applicable to the above requested information:

Section 25(1) – Information otherwise accessible

The information requested, in relation to the foregoing is held and is already available at open source.

Information uploaded to CHS is managed, including removal of images in line with weeding processes outlined in Recording, Weeding and Retention of Information on Criminal History System (CHS). Additionally the Service has a Records Retention Standard Operating Policy which defines the specific retention rules for records and documentation held by Police Scotland. These documents can be accessed using the links provided below:

[Recording, Weeding and Retention of Information on Criminal History System \(CHS\) \(PDF\)](#).

<http://www.scotland.police.uk/assets/pdf/151934/184779/record-retention-sop>

This is an absolute exemption and does not require the application of the public interest test.

***If there is a procedure in place, how many images have been deleted as the result of a periodic review (rather than following an individual's application for deletion)?
How many images on your custody image database are of unconvicted persons?***

I can advise you that Police Scotland does not hold the requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, this is not something that it is possible to count. "Weeding out" is a continuous process whereby data (including images) are managed as stated within the Recording, Weeding and Retention of Information on Criminal History System (CHS) guidance. The number of images being added and removed will vary continuously and there will be multiple reasons why they are being removed, including the decision not to proceed with a prosecution, offer of an alternative to prosecution, a non-finding of guilt or end of retention period.

Since February 2017, how much has your force spent on the deletion of custody images of unconvicted people?

I can advise you that Police Scotland does not hold any of the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, your right under the Act is to obtain information that is held by a public authority at the time the request is received and there is no obligation on a public authority to create new information. Police Scotland do not calculate costs for core policing duties for which no charges are attributable. Consequently policing costs are not calculated.

Should you require any further assistance please contact Information Management - Glasgow on 01786 895862 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. 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.

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