| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2913  Responded to: 22 November 2024 |
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Your recent request for information is replicated below, together with our response.

**I am looking for information relating to Police visits to, Police calls to, and arrests of individuals in Scotland as a direct result of that individual’s public social media activity.**

**What information do you have on file relevant to this?**

**Ideally, one aspect of data I would like is a count a count of visits, calls to, and arrests of individuals as a result of social media activity (broken down separately by these categories, by area of Scotland, by relevant offence if relevant, and demographic characteristics of the individual involves such as age and sex), by year, going back as far as possible. If you have this information, please provide it.**

**If, for any reason, you can only provide a qualified subset, please provide that qualified subset, and as large-remit one as possible (For example, I was previously told on another request that information on arrests from social media usage was not available because arrests are only recorded once the arrested party is back at the station, and some arrested parties are released before being brought back to the station. If that remains the case, I would like the information that is available such as information on officers being sent out to arrest people for social media usage regardless of their success in doing so, and/or the count of the subset of cases where the arrested party was indeed brought back to the station)**

In regard to your request for arrest data, The Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practicable, and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested *and* *not* cautioned and charged. They are ‘Officially Accused’ once arrested *and* cautioned and charged.

If conveyed to a police station, the arrested person will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ - where the reasonable grounds for suspicion no longer exist. In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensivearrest data, as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

For the reasons outlined above, Police Scotland do not collate data on arrests.

Instead, data is compiled and published based on recorded and detected crimes - [Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/).

Furthermore, we do not have a search option for ‘social media’ and therefore each incident report would need to be assessed for relevance to your request with would cost well over the threshold set out within the act.

Detected crimes are those where an accused has been identified and there exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings.

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.