| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0770  Responded to: 04 April 2023 |
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Your recent request for information is replicated below, together with our response.

## I was given a recorded police warning three years ago and the police officer told me that it will be deleted from my record after two years.

## Will this RPW be always held on local police forces?

Please be advised that the information you are seeking is publically available on the Police Scotland website.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available via the following link:

[recording-weeding-and-retention-of-info](https://www.scotland.police.uk/spa-media/himljwyi/recording-weeding-and-retention-of-info.pdf)

## I was wondering if this recorded police warning will be part of my criminal record and whether or not I should disclose it with anyone. I am also aware that it can show on any enhanced disclosure as relevant information. Will this be the case after the two years have passed?

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. As such under Section 8 of the Act, information which requires an opinion is not in essence a valid request.

## How can I request information held about me on the local police forces?

I can again advise you that information on how to apply for your own personal data is available on our website.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available on the Police Scotland website, via the following link: [Subject Access Requests - Police Scotland](https://www.scotland.police.uk/access-to-information/data-protection/subject-access-requests/)

## I want to apply for a visa to Canada and was wondering if I have to disclose it in the application form (after the two years have passed).

I can advise you that visa applications for Canada are not handled by Police Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You should contact ACRO Criminal Records Office: [ACRO](https://www.acro.police.uk/), further information is available on the UK Governments website: [Get a copy of your police records - GOV.UK (www.gov.uk)](https://www.gov.uk/copy-of-police-records)

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.