| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1735  Responded to: 21 July 2023 |
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Your recent request for information is replicated below, together with our response.

## Please provide for 2020/21, 2021/22 and 2022/23, how many persons you have arrested and held in police custody in Scotland: (a) under immigration law administrative powers and (b) under criminal law powers. If it were possible to disaggregate this data by nationality, that would be brilliant.

Having considered your request in terms of the Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, the recording of an individual’s reason for arrest on our National Custody System is entered as free text. This means that every potentially relevant record would have to be manually read to establish the specific reason and under which legislation. To illustrate the numbers involved, for the 3 financial years requested, there are 3348 records which contain the words immigration/ asylum / home office, including abbreviations such as HOIE and spelling errors. If we took 3 minutes for each record to be analysed this would take around 167 hours. As such this is an exercise which would far exceed the cost limit set out in the Fees Regulations.

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.