| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2459  Responded to: 18 October 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## 1) The average time it takes in days from an arrest of an individual to passing on a report to the procurator fiscal for their consideration related to that arrest. Please provide this data for 2019-20, 2020-21, 2021-22 and 2022-23.

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

By way of explanation, Police Scotland do not collate information to this level.

As you will be aware an individual’s right in terms of the legislation is to obtain information held by a public authority at the time a request is received and there is no obligation on them to create new information specifically for a request.

## 2) Whether any report has been passed on to the procurator fiscal for any reason associated with Operation Branchform and if so when this report was passed on to the fiscal.

I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act.

The following exemptions are considered relevant:

Section 34 – Investigations by a Scottish Public Authority

Section 35 - Law Enforcement

## This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.

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.