| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0832Responded to: 20 April 2023 |
| --- | --- |

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

Follow up to 23-0706

**Assuming that both the Home Office and Nazir Afzal were not wilfully irreconcilably inconsistent with their respective statements as to the material issued, and given the high probability that such a statement from the Home Office would attract massive public interest should its existence become publicly known, could Police Scotland please provide the following:**

## 1. The Police Scotland deletion / retention policy of data.

Please be advised that our Record Retention Standard Operating Procedure is publicly available.

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: [Record Retention SOP](https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.pdf)

## 2. For the request FOI 23-0706 , the date the data was deleted.

There is no record held to allow us to answer this question. 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.

**3, You have written:**

***"In response to your request I can advise you that this circular has been the subject of previous FOI requests and we have been unable to source a copy."***

**3.1** Could you please confirm whether or not you received the referenced Home Office circular.

There is no record held to allow us to answer this question. 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.

**3.**2 Can you direct to the earlier FOI requests for the circular - and was the circular provided at that time?

We have a record that a similar request was received in 2018.  At that time enquiry was carried out with our policy and serious crime teams and no trace of the circular was found.  The response to the FOI was that the information was not held.

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 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 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.