

Our Ref: IM-FOI-2016-1134
Date: 10 June 2016



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 - INTERNAL REVIEW

In accordance with section 20(1) of the Freedom of Information (Scotland) Act 2002, I understand that you have requested a review of the decision communicated to you on 19 May 2016 in respect of your original request for information, received 8 May 2016.

Original Request

- Q1 During 2015, how many children (ie people aged 15 or under) were detained and held in custody overnight in each of Scotland's 13 divisions?**
- Q2 Can you provide their ages please and how long each child was held for? Please note I am not requesting names.**

Request for Review

I'd like to request a review of your decision please. Please note that I'll accept inconsistent data provided the inconsistencies are explained for each division.

I appreciate your reply but I should mention that Police Scotland previously released this information in reply to a FOI request?

A colleague at The Scotsman wrote the following report based on a police response to his FOI questions - [Link to Scotsman article](#)

My role is to consider the response issued and determine whether or not your request was handled in accordance with the provisions of the Freedom of Information (Scotland) Act 2002.

As part of the review, I am also required to consider the quality of the administrative process applied to your request and I am pleased to record no deficiency in that regard.

In reviewing the response I have studied all documentation relevant to the request, including that which documents both the research carried out and the decision making process.

The decision I have to make is whether or not Section 12(1) of the Act was correctly applied to your request.

As was explained by the case officer in the original response, the thirteen divisions of Police Scotland currently use different, independent systems for the recording of custody data.

At a very basic level, this therefore means that retrieval of any statistics regarding custody and detention require interrogation of the eight separate electronic systems in use as well as any associated hard copy records as appropriate.

This in itself renders the process of retrieving statistics time consuming - both in terms of the repetition of work and the need to ensure that resultant information has been gathered consistently and is comparative. Unfortunately, both elements of your request further add to the difficulties in retrieving any meaningful data.

In dealing with age first of all, there is no specific marker on any Police Scotland custody system which indicates that the individual detained was a child. Typically our systems will record the individual's date of birth and the date of the detention. 'Age at the time' is therefore the product of a calculation.

Moving on to 'overnight', this is impossible to determine without a record by record comparison to establish whether the start date and end date of a custody were the same.

That said, where they were not, the circumstances could be such that an individual was detained at 2350 and released from custody at 0010 - for example.

Technically, that would be an 'overnight' custody but subjectively, perhaps not of the type you are interested in.

Similarly, if an individual was detained at 0010 and released at 1100, I would subjectively class that as an 'overnight' custody but the start and end dates would match.

Regardless of the parameters set, it is my view that to provide a fully accurate response to this part of your request, a case by case analysis of each detention would be required.

The process of establishing custodies which meet these two sets of criteria will vary in terms of complexity and associated time spent across the country but I am satisfied that the overall costs amount to in excess of £600.

You may care to note that in the article to which you refer, four of the legacy Scottish Police forces estimated that it would take in excess of this amount to process the request for their geographic areas alone.

Taking all of the above into account, I am satisfied that your request has been handled in accordance with the Freedom of Information (Scotland) Act 2002 and in terms of section 21(4)(a) of the Act, I uphold the original response and agree that Section 12 of the Act was correctly applied.

Should you require any further assistance concerning this matter please contact Information Management - Dundee on 01382 596657 quoting the reference number given.

If you remain dissatisfied following this review, you have six months in which you may appeal to the Scottish Information Commissioner who can be contacted as follows:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone: 01334 464610
Email: enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.