

Our Ref: IM-FOI-2022-1326
Date: 19th July 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Please could you provide an annual breakdown of the years 2019 - 2021 and 2022 so far of the number of reports of rape or sexual assault Police Scotland has received?

Please find the requested information in the attached spreadsheet. I would ask you to note the caveats provided below the data table.

For the same time frame, can you please state how many times police carried out searches of mobile devices, laptops, tablets or other electronic communications devices belonging to alleged victims of rape or sexual assaults?

Can you please state how many complainants gave express consent for the searches to take place?

In regards to these two questions, please find the requested information in the table below. I would ask you to note the caveats below. I would also advise that the number of devices with consent is a subset of the number of devices.

| | 2019 ¹ | 2020 | 2021 | 2022 |
|-------------------------------|-------------------|------|------|------|
| Rape | | | | |
| Devices | 70 | 157 | 108 | 93 |
| <i>Devices (with consent)</i> | 50 | 131 | 94 | 78 |
| | | | | |
| Sexual Assault | | | | |
| Devices | 17 | 36 | 22 | 23 |
| <i>Devices (with consent)</i> | 10 | 26 | 20 | 13 |

1 – Data from 01 July 2019 onwards.

Please provide details on how consent for these searches to take place is obtained and recorded.

Please be advised that the requested information is publicly available.

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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”

Please find a link to the relevant document on our website:

<https://www.scotland.police.uk/spa-media/xt0bi45a/digital-device-consent-public-information-leaflet.pdf>

Please state the maximum length of time a device is held by the police for examination.

There is no set time limit for the length of time that a device is held by Police Scotland. Each case and the devices associated with it are treated on their own merit. The complexity, number of devices involved are contributory factors in how long a device is held.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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

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As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.