



Our Ref: IM-FOI-2018-2320
Date: 23 10 2018

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.

How many incidents of "upskirting" have been reported between 1st January 2009 and 1st October 2018 in Scotland?

Where possible, please break down the date of when the incident was alleged by indicating the month and year.

Where possible, please state the details of the allegation (Basic details such as what is alleged to have happened, the age and sex of the alleged victim, where known).

Please state whether the allegation ever formed some part of a criminal charge and details of any prosecutions of "upskirting" offences, including what they were charged with.

To clarify, 'upskirting' has been illegal in Scotland since 2010 under S9 (4A) and (4B) of the Sexual Offences (Scotland) Act 2009. However, this offence comes under the general offence of voyeurism and is not a separate offence.

I am afraid that I am unable to provide you with the information you have requested. 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 this part of 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.

To explain, Police Scotland operates a number of crime recording systems. Whilst robust statistical analysis can be made of the data held on each of our systems, they are not, at present, designed to enable the retrieval of the highly specific information as per your request. In this instance, as explained above, the offence of 'upskirting' is not a separate offence and comes under the offence of voyeurism. As such, it is not possible to search crime reports based upon this offence.

The only way to provide you with this information in an accurate and consistent manner would be to individually examine each voyeurism crime report created on these systems to identify if it related to 'upskirting'.

This is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

OFFICIAL

By way of assistance, we can provide statistics on voyeurism, however, as explained earlier this will include all cases of voyeurism and not just 'upskirting'.

Should you require any further assistance please contact Information Management - Dundee on 01382 596657 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.

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.

OFFICIAL