

Our Ref: IM-FOI-2022-1839  
Date: 20<sup>th</sup> September 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.

### **'Offences involving indecent images of children' Literature Review August 2022**

**'With Scottish law interpreting making IIOC as including true production cases (i.e., involving sexual assault of children) as well as downloading IIOC, it is not possible from the statistics to distinguish the sentences between production and downloading.'** (p6)

**<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scottishsentencingcouncil.org.uk%2Fmedia%2F2250%2Findecent-images-of-children-literature-review.pdf&data=05%7C01%7Cfoi%40scotland.police.uk%7C43fdbc7e058f4c65bfe408da89391107%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C637973176027245794%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjojV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=wXF SjlcnueqNpxwWm5CflgnRoYIDMWjQ2OJT%2F8UThQ%3D&reserved=0>**

### **'Number of IIOC offence convictions by specific offence, 2010-20.'** (p23)

**This graph shows that the number of making IIOC cases in 2019/20 was about 120.**

**Please provide the number of convictions in 2019/20 related to making IIOC that were true production cases and the number that were downloading cases.**

Having considered your request in terms of the above Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

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 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.

## OFFICIAL

By way of explanation, the crime recording systems used by Police Scotland have no facility which allows for us to search relevant crime reports based on whether the individual was convicted or not.

The report shows that there were 584 recorded offences in the 2019/20 period. Each of these offences would have to be individually assessed against the Scottish Criminal History System (CHS) to determine whether it resulted in an individual being convicted, and if so, the details noted.

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

Should you require any further assistance please contact Information Management Dundee, 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.police.uk](mailto:foi@scotland.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](mailto: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.