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Our Ref: IM-FOI-2022-0693  
Date: 17<sup>th</sup> June 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.

**I am writing under the Freedom of Information Act to request the below information regarding the use of strip searching by your police force - that is, involving the removal of more than just the suspect's outer clothing. For each of the years 2021, 2020, 2019, please provide the below information:**

- 1. How many people have been strip searched in your police force area in each of the above years? Please include:**
  - a. the individual's age (If you are unable to give exact ages, please use the following brackets: 1-10; 11-14; 15-17; 18+);**
  - b. the sex of each of those searched; and**
  - c. their ethnicity.**

Police Scotland record strip searches separately depending on whether they took place as part of a stop and search or as part of the custody process.

As you have asked for strip searches specifically, this response does not include figures for intimate searches.

### Stop and Search:

In regards to stop and searches, please be advised that the requested information 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.

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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”

I can confirm that the information requested is published on our website quarterly at the link below:

<https://www.scotland.police.uk/about-us/how-we-do-it/stop-and-search/data-publication/>

There are guidance notes available in the information tab of each spreadsheet but to be of some assistance, you can filter column AK by excluding STANDARD and INTIMATE searches which will leave strip searches inside police stations and strip searches outside police stations.

### Custody:

Please find the requested information in the attached spreadsheet.

### **2. Please indicate the outcome/result of that search (in terms of whether anything was found, whether action was taken, etc)**

#### Stop and Search:

In regards to stop and searches, this information is available within the data published on our website in regards to whether the search was positive or not and I would direct you to my answer above. In regards to whether action was taken 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.

By way of explanation, our stop and search database does not record what action was taken as a result of a positive search and so a manual review of each record would be required to confirm the outcome. This would involve checking other police systems to obtain the information required.

In this case thousands of records would need to be manually checked which would equate to thousands of hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

## OFFICIAL

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

### Custody:

In regards to strip searches in custody, 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.

By way of explanation, on review of the data involved, it has been determined that the result of 8,254 searches are not clear and would require a manual check of the relevant files

At a conservative estimate of 4 minutes per record, this equates to over 550 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

### **3. Please indicate whether an appropriate adult was present during the search, and please indicate cases where an individual declined to have an appropriate adult present**

In regards to both stop and searches and strip searches in custody 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.

By way of explanation, this information is not recorded as standard on either system and so a manual review of each record would be required to confirm if an appropriate adult was present or where an individual declined to have one present. This may extend to additional police systems having to be checked.

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In this case tens of thousands of records would need to be manually checked which would equate to thousands of hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

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](mailto: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](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.