| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1083  Responded to: 23 May 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## Someone in England posts something online which is visible in Scotland. Someone in Scotland views the material and believes that the material meets the criteria laid out in sections 3 and 4 of the Act, namely Racially aggravated harassment and Offences of stirring up hatred.

## If a complaint is then made to Police Scotland and they then decide there are sufficient grounds to pursue the complaint can they potentially prosecute the originator of the material even if its origin was in England but it was seen in Scotland?

## Conversely, someone in Scotland posts something online which is visible in England. If that material mets the criteria laid out in sections 3 and 4 of the Act, namely Racially aggravated harassment and Offences of stirring up hatred, as the post originated in Scotland could someone viewing it in England make a complaint to either their local police or Police Scotland? Or for want of better expression would any offence ‘’stop at the border’’

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The procedure for crimes reported to police in Scotland which happen out with our jurisdiction are published in the Scottish Crime Recording Standard

The information sought is publicly available:

<https://www.gov.scot/publications/scottish-crime-recording-standard-crime-recording-counting-rules/>

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.