

Our Ref: IM-FOI-2022-2336  
Date: 23 November 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.

- **January 2018 – to present**
- **All crime types or ASB incidents where the Victim was either LGBT or perceived as LGBT.**
- **Victim types - who were living with dementia at the time of the incident or perceived as living with dementia.**
- **Location type -Private or public and explicitly if the incident was described as having occurred in a care setting.**

Having considered your request in terms of the 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.

By way of explanation, there are no markers etc. on incident or crime recording systems to indicate whether a victim is LGBT and/or living with dementia. Therefore the only way to establish these specifics would be to examine all crimes and incidents since January 2018. As such this an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

I can advise you that the only data that may be of potential relevance would be hate crimes where the motivating factor was sexual orientation but again, there are no markers for dementia and the victim may not actually be LGBT.

You may be interested in a recent request regarding hate crimes, which is published on our website: <https://www.scotland.police.uk/spa-media/rfbncie/22-1793-response.pdf>

Should you require any further assistance please contact Information Management - Dundee at [foidundee@scotland.police.uk](mailto:foidundee@scotland.police.uk) quoting the reference number given.

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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.

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