| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0551  Responded to: 16th March 2023 |
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Your recent request for information is replicated below, together with our response.

## This is a request under the Freedom of Information Act, and I seek information on street level crime in Scotland.

## For extra guidance, the data format and structure I am after is the same as what data.police.uk put in their downloads section.

## Please state:

## • Recorded incidents for 2018,2019,2020,2021,2022;

## The number of recorded crime incidents in the past five years. Please supply the following breakdowns:

## • The local authority where the crime was committed;

## • The type of offence or crime that was committed;

Please be advised that statistics regarding recorded and detected crimes and also incidents are 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.

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”*

The information you are seeking is available on the Police Scotland website, broken down by local authority area, via the following link:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

## • The road where the crime was committed;

## • The address where the crime was committed;

## • The postcode where the crime was committed;

## • The date of when the crime was recorded;

In terms of section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with information relating to this specific incident report.

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.

I can confirm that Police Scotland holds the information that you have requested. The exemptions that I consider to be applicable to the information requested by you are:

**Section 38(1)(b) - Personal Data**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as: ‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that: ‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is set out at Article 6(1)(f) which states: ‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’

I appreciate that this response may be disappointing; however, I feel that it is important to emphasise to you that the Act is in essence, applicant and purpose blind.

By this I mean that any information disclosed under the Act would be available to any person requesting it and in addition, that all responses under the Act are published on our website. On that basis, it is my view that disclosure of the information sought would be unlawful.

Please note that Police Scotland does not use data.police.uk but we have recently started to publish detailed crime data in a useable format. Crime statistics are available on our website, broken down by Multi-Member Ward Area level and by Scottish Government Justice Department offence classification codes via the following link:-

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

## • The outcome of the initial crime was committed

Please be advised that Home office classifications are not used in Scotland and there are no equivalent recording categories. In Scotland crimes are never marked closed/complete but are recorded/detected.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

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.