

Our Ref: IM-FOI-2021-2820
Date: 14 January 2021



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.

Following clarification with you, it was agreed that information would be supplied using the ethnicity classification codes: Chinese, Asian Other and Other.

I am seeking two data sets:

- 1. Number of Victims of Racist and Religious Hate Crime with an Ethnic Appearance of East Asian or Southeast Asian, for the periods stated in the original FOI request.**

- i) Sep 2018 - Feb 2019**
- ii) Sep 2019 - Feb 2020**
- iii) Sep 2020 - Feb 2021**
- iv) Mar 2018 - Aug 2018**
- v) Mar 2019 - Aug 2019**
- vi) Mar 2020 - Aug 2020**
- vii) Mar 2021 - Aug 2021**

In response to this question, please see the tables within the attached spreadsheet. I would ask you to note the caveats included below each data table.

- 2. Number of Offences with a Racist and Religious flag where Victim Ethnic Appearance is East Asian or Southeast Asian, by Outcome including the following categories, for the periods stated in the original FOI request.**

- Outcome Pending**
- Charged/Summoned**
- Charge/Summons Alternate offence**
- Caution - adult**
- Community Resolution**
- Prosecution prev. - suspect ill**
- Suspect identified; Victim supports; evidential difficulties**
- Suspect identified; Victim not support; evidential difficulties.**
- Investigation. complete: no susp identified**

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In relation to question 2 and its subsidiaries above please be advised that Police Scotland does not hold prosecution information or details of evidential difficulties encountered during the court process. 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.

You may wish to contact the Crown Office and Procurator Fiscal Service (COPFS) which holds conviction information for Scotland. A request can be submitted to COPFS via email using the following address foi@copfs.gsi.gov.uk

- **No Crime**

In respect to this subsidiary question, 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, in order to determine if a report was considered to be “no crime” all of the identified Hate Crimes would need to be manually examined to determine its status. As you can see from table 3 alone which only cover part of the time period requested, there are 6,574 recorded offences. I estimate that it would take approximately 2 minutes to examine record, and this equates to in excess of 219 hours of work for this period alone.

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.

As you have already selected a limited time period to search for, I am unsure as to how to assist in refining the scope of your request without reducing the timescale to a very short level. If this is however something you wish to pursue, please submit a new request with a more limited time period.

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 or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarock, 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.

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You can apply [online](#), by email to 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.