| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2302  Responded to: 28 September 2023 |
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Your recent request for information is replicated below, together with our response.

## May I request the following information:

## All correspondence between Police Scotland team and the Scottish Government regarding the implementation of the Hate Crime and Public Order (Scotland) Act 2021 – henceforth referred to as the Act . This should include emails, phone calls, zoom/teams meetings WhatsApp and/or instant messages and in-person meetings. Please provide this information between 1 April 2023 and 5 September 2023 inclusive.

Having considered this request in terms of the Freedom of Information (Scotland) Act 2022 (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, which equates to 40 hours. I estimate that meeting the terms of your request would cost in excess of this amount. As such, and in terms of Section 16(4) of the Act, 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, Police Scotland does not have a unique team that was involved with implementation of the Hate Crime and Public Order (Scotland) Act 2021 (HCPOA).

Several Police Scotland departments have had involvement, including, but in no way restricted to, Partnerships, Prevention and Community Wellbeing (PPCW), Core Operational Solution (COS), Digital Policing, Legal Services and Data Governance.

However, as you have requested “all correspondence” to ensure no documents are excluded a complete search of all officers and staff communications would need to take place.

Considering emails alone, we have previously attempted to conduct similar keyword searches to the one that would be required for your purpose.

Despite extensive efforts to retrieve these emails requested it has become clear that whilst we do have the facility to conduct a keyword search, but we do not have the facility to limit this to a particular date range.

This means that using keywords such as, “Hate Crime and Public Order (Scotland) Act 2021” or “HCPOA” the search will return any mention the keywords on any date. These are returned as individual full mailbox archive files for each mailbox that contains this keyword.

Once these archives are retrieved, a manual process is required to confirm which emails within each file contain the keyword required, which date it was sent or received on and finally if it was between Police Scotland and the Scottish Government. This is further complicated by the fact that we will simply know there is at least one email within the mailbox archive that contains the keyword. There could be 1 or 100 and so each email would need to be manually checked.

During previous similar keyword requests, we have conducted a rough estimate using one of our divisions (A Division) which accounts for slightly over 1,300 mailboxes. It is estimated that 100-200 of these may contain the keywords requested. If this is extrapolated across our other divisions this would give us a rough estimate of 2,400 to 3,600 mailbox files to review but it is expected this number may be higher due to the relative size of some of our divisions.

At an average estimate of 30 minutes to check each mailbox file concerned, this equates to around 1,200 to 1,800 hours of work to complete.

This is before we consider a review of all phone calls/notes/minutes/whatsapp messages etc held by Police Scotland which would again require a degree of manual searching. It is likely a full check of all documents held by the force would add thousands of additional hours to the time it would take to comply with the request.

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.

To be of assistance, should you wish to refine your request for correspondence from the Force Executive or a single department as noted above, it may be possible to extract relevant information within the cost limits prescribed under the Act.

## Any estimations from Police Scotland regarding the number of incidents expected to be reported related to the Act upon its implementation and how much police time will be taken up dealing with these incidents.

In terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland.

By way of explanation, Police Scotland holds no information on the projected number of incidents expected and therefore there are no calculations regarding the potential volume of police time involved.

## How many times Police Scotland have previously advised the postponement of the implementation of the Act

In terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland.

Police Scotland has not previously advised the postponement of the implementation of the Act as this is a matter solely for the Scottish Government.

## and whether it is in agreement with the Scottish Government over the implementation date of ‘early 2024’ given in the 2023-24 Programme for Government.

In response to this question, I must respond in terms of Section 8 of the Freedom of Information (Scotland) Act 2002. Section 8 states that a request must seek recorded information. This question requests an opinion and as such is considered invalid.

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.