

OFFICIAL

Our Ref: IM-FOI-2022-0357
Date: 22nd March 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.

Having read the Q2 performance report 2022, I noted that hate crimes perpetrated against transgendered individuals rose from 43 to 76. I would like to request details of these crimes. Specifically, how many were violent, how many were non violent/verbal and how many were non-crime hate crimes.

In response to your request, 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.

In order to explain I must firstly advise that your interpretation of the Q2 performance report is incorrect and it does not state the number of transgender individuals who were victims of hate crimes.

The data within the report shows the number of crimes that have a transgender aggravator. Aggravators relate to the alleged perpetrator's perception(s) about their victim rather than the status of the victim. A crime may be recorded as transgender aggravated whether or not the victim actually identifies as a transgender person.

The opposite is also true in that a hate crime can be recorded for a victim who is transgender without a transgender aggravator attached. For example a hate crime in regards to race or disability may be recorded where the victim is transgender but where the perpetrator does not perceive this to be the case. This would still be a hate crime with a transgender person as a victim but would not have a transgender aggravator attached.

The system Police Scotland uses for hate crime recording does not have a field to record the transgender status of individuals. Whilst it is possible that this information is recorded within free text areas of reports, there is no automated way to retrieve this information.

OFFICIAL

OFFICIAL

In order to determine which crimes have occurred specifically against identified transgendered individuals all crimes would need to be manually assessed to determine if any reference was made to the transgender status of a victim.

There are thousands of offences involving hate crime recorded each year. Even with a conservative estimate of 2 minutes per record this would equate to thousands of hours of work.

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.

However, if I put aside the misinterpretation of the report and instead focus on the part of your request that asks simply for a breakdown of the 43 and 76 crimes within the report I can provide the information requested. As advised, these are crimes where a transgender aggravator is attached, not where the victim is necessarily a transgender individual.

Please find this in the table below.

Offence	2020/21	2021/22
Breach of the peace	0	2
Common Assault	4	9
Communicating indecently	2	0
Communications Act 2003 (sexual)	0	1
General post office telecommunications offences	10	11
Possession of an offensive weapon	0	1
Reckless Conduct - not with firearms	0	1
Stalking	1	0
Threatening or abusive behaviour	24	48
Vandalism	2	2
Other/Unknown	0	1
Total	43	76

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.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.

OFFICIAL

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.