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Our Ref: IM-FOI-2022-2442
Date: 16th December 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.

Firstly however I would ask you to note that Police Scotland has two processes in regards to strip searches depending if it was part of a stop and search or part of a search when someone is brought into police custody. I have interpreted question 1 of your request to refer to searches within custody and question 2 to relate to those subject of a police Stop and Search.

As you have asked for strip searches specifically, this response does not include figures for intimate searches.

1) How many 'strip searches' were carried out by your officers in the past three years (1st November 2019 - 31st October 2022) while the person being searched was in police custody.

Please list each occasion and the information by:

- **sex of person searched**
- **age of person searched**
- **ethnicity of person searched**

In regards to the sex, age and ethnicity of the person searched in custody, please find this information in the attached spreadsheet.

I would ask you to note that we are unable to differentiate legitimate duplicate searches (where someone was searched twice) from those recorded twice in error without a lengthy manual review which would likely result in an excessive cost exemption being applied. All duplicates have therefore been removed with the first search of an individual for each custody remaining only.

- **reason given for the search**

In regards to the reason for the search, 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.

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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, whilst we do record the reason for each strip search conducted, this information is recorded by way of a free text field. On review of the data obtained, it has become obvious that personal information is present in some cases and that clarification would be required for some entries where ambiguity exists. Whilst the normal process would be for this information to be reviewed and personal information redacted, due to the large amount of entries involved, it would exceed the cost threshold to review the data to determine which redactions should be made.

In this case 85,470 entries would need to be manually checked. At a conservative estimate of 1 minute per record, this equates to over 1,424 hours of work to provide the information requested.

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.

The possibility of assigning each entry a general heading such as drugs, refusal to answer safeguarding questions etc was explored but this would likewise require a manual assessment of each record with a similar time to review as for redaction.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

- outcome of the search (items found?)

In regards to the outcome of the search, I have assumed this refers to whether the search was positive or negative.

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, on review of the data involved, it has been determined that the result of 7,481 searches are not clear and would require a manual check of the relevant files

At a conservative estimate of 4 minutes per record, this equates to over 498 hours of work to provide the information requested.

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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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still vastly exceed the cost threshold set out under the Act.

2) How many 'strip searches' were carried out by your officers in the past three years (1st November 2019 - 31st October 2022) while the person being searched was not in police custody.

Please list each occasion and the information by:

- **sex of person searched**
- **age of person searched**
- **ethnicity of person searched**
- **outcome of the search (items found?)**

In relation to the period 1st November 2019 to 31st March 2022, please be advised that the requested information is 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”

I can confirm that the information requested is available through our public website. I have attached a direct link to relevant page for you:

<https://www.scotland.police.uk/about-us/how-we-do-it/stop-and-search/data-publication/>

There are guidance notes available in the information tab of each spreadsheet but to be of some assistance, you can filter column AK by excluding STANDARD and INTIMATE searches which will leave strip searches inside police stations and strip searches outside police stations.

In regards to the period 01/04/2022 to 31/10/2022 please find the requested information in the attached spreadsheet.

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Please note that I have taken “outcome of the search” to refer to whether the search was positive or negative.

- reason given for the search

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.

By way of explanation, whilst we do record the reason for each stop and search on our database, this relates to the initial stop and search and does not cover the justification for the subsequent strip search. Each strip search would have to be manually checked with both the enquiry and authorising officer being contacted to provide the requested information.

In this case thousands of records would need to be manually checked. A time study concluded that a conservative estimate of 17 minutes per record would be required and that it is likely thousands of hours of work would be required to obtain the information requested. This also does not take into account additional issues that may arise should an enquiry officer or authorising officer have since left Police Scotland. In these instances it is likely additional time would be required.

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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still exceed the cost threshold set out under the Act. You may wish to submit a request asking for the initial reason for the stop and search rather than the reason for the subsequent strip search.

- whether the individual was then arrested

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.

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By way of explanation, whilst we do record whether a search resulted in a positive or negative search, our stop and search database does not record whether the individual concerned then went on to be arrested. Each strip search would have to be manually checked with both the enquiry and authorising officer being contacted to provide the requested information. This would be further complicated as we would not be able to limit the search to only positive searches as a person could be stop and searched, a negative result obtained but then arrested for another reasons such as an outstanding warrant.

In this case thousands of records would need to be manually checked. A time study concluded that a conservative estimate of 17 minutes per record would be required and that it is likely thousands of hours of work would be required to obtain the information requested. This also does not take into account additional issues that may arise should an enquiry officer or authorising officer have since left Police Scotland. In these instances it is likely additional time would be required.

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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year would still exceed the cost threshold set out under the Act.

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. 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.