| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0522  Responded to: 7th March 2023 |
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Your recent request for information is replicated below, together with our response.

## I am seeking to obtain data on offences involving the use of deepfake AI pornography. I would like to be provided with the total amount of people who have reported having their likeness turned into deepfake porn and distributed online between February 2022 and the present day.

Having considered this part of your request in terms of the above 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 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, crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes and there is no corresponding classification relevant to your request.

Such behaviour could be recorded under a number of different crime classifications depending on the circumstances and the only possible way to provide an accurate response to your request, would be to individually examine each and every potentially relevant offence - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

## I would also like you to specify how many of the offences were classified as revenge pornography (as defined in Section 33 Criminal Justice and Courts Act 2015). If at all possible, please state if a charge has been issued.

Section 33 of the Criminal Justice and Courts Act 2015 does not extend to Scotland. 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.

Police Scotland does not use the term “Revenge Pornography” but instead refers to Non-Consensual Sharing of Intimate Images which is legislated by Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 as defined by the Scottish Government Justice Department Crime Classification Codes.

Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 came into force on 3 July 2017. However I would refer you to our response to question 1 in terms of ascertaining whether any ‘Non-Consensual Sharing of Intimate Images’ offences were of relevance.

If it is of interest, Recorded and Detected crime statistics regarding Non-Consensual Sharing of Intimate Images are publicly available on the Police Scotland website via the following link:-

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

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.