

Our Ref: IM-FOI-2022-0015
Date: 20th January 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.

I am writing under the FOI act regarding the use of roadside drug tests which test for cannabis and cocaine. I read they were introduced around two years ago

Please provide, since the tests' introduction, how many roadside tests have been carried out across Scotland, and then how many of these have returned a positive test.

Please specify whether the positive test was for cannabis, cocaine, or both, and in what area of the country the motorist was tested.

If possible, and only if it would not exceed the cost limit, please also provide any details on further blood tests taken from arrested drivers, breaking down how many of these confirmed the positive roadside result.

Having considered 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 in this instance, the following classifications could be potentially relevant to your request:-

- Driving motor vehicle while unfit through drink or drugs
- In charge of motor vehicle while unfit through drink/drugs
- Driving motor vehicle while under influence of controlled drug above prescribed limit
- In charge of motor vehicle while under influence of controlled drug above prescribed limit

OFFICIAL

Not all cases will have involved a preliminary drugs test however, and as such case by case assessment would have to be carried out on all relevant offences to determine whether there was a test, and if so, the result.

This would involve individually examining thousands of crime reports – an exercise which I estimate would far exceed the cost limit set out in the Fee Regulations.

Should you require any further assistance please contact Information Management Dundee, 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, 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.