| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1364  Responded to: 13th June 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## I am conducting a research on: Modelling and Management of Crime in Rural North East Scotland using Geospatial Techniques.

## To this effect, the following types of crime data set from Jan 2019 – March 2023, including their Location within the Northeast region in terms of (Eastings and Northings) and the time these types of crime are committed would be required to achieve this task.

## Types of Crime:

## Agriculture and Forestry Machinery

## Fuel & Timber Theft

## Livestock Crime

## Heritage Crime

## Hare Coursing

## Fly Tipping and

## Equestrian Incidents

In response to your request, I must first of all advise you that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes, and with a few exceptions, the list provided does not align to crime classification codes – such as heritage crime, agriculture and forestry machinery, equestrian.

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.

With regards to fuel and timber theft, I regret to inform you that I am unable to provide you with crime statistics, 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, any such instance would be recorded under the general crime classifications Theft of Theft by Housebreaking etc. however they would not thereafter be subcategorised by the type of property stolen.

The crime recording systems used by Police Scotland also have no facility whereby the type of property stolen can be easily extracted or searched upon.

As such, case be case assessment of all Theft related crimes would have to be carried out to establish whether they were relevant to your request.

As illustrated by our [published statistics](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/), this would involve individually examining thousands of crime reports for the time period requested - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

In relation to livestock crime and hare coursing, you may be interested in our recorded and detected crime statistics which are published on the Police Scotland website, broken down by Multi-Member Ward area and SGJD code.

The relevant classifications are ‘Protection of Livestock from Dogs’ and ‘Hunting with Dogs’ and data can be accessed via the below link:-

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

Please note that I am refusing to provide you with a breakdown of these offences by the exact locus of the crime in terms of Section 16 of the Freedom of Information (Scotland) Act 2002.

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. The exemption which I consider to be applicable to the information requested by you is:

**Section 38(1)(b) - Personal Data**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘*Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’*

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is set out at Article 6(1)(f) which states:

*‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’*

On that basis, it is my view that disclosure of the information sought would be unlawful.

## Also, the Names, and locations (Eastings and Northings) of all the Police Stations within the Northeast region would also be required.

Please be advised that details of all Police Stations are 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”*

The information you are seeking is available on the Police Scotland website, via the following link:

[Police Scotland's station opening hours - Police Scotland](https://www.scotland.police.uk/contact-us/police-station-opening-hours/#North%20East)

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.