

Our Ref: IM-FOI-2020-0858
Date: 21 May 2020



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.

Scottish Government statistics show the total number of convictions of crimes against someone with the characteristic transgender for each year since the Offences (Aggravation by Prejudice) (Scotland) Act 2009 came into force:

www.gov.scot/publications/criminal-proceedings-scotland-2017-18/pages/27/

This Act defines transgender identity as:

- transvestism,
- transsexualism,
- intersexuality,
- someone who has changed gender under the Gender Recognition Act 2004, or
- any other gender identity that is not standard male or female gender identity.

Could you please specify how many of the crimes fall into each of the 5 categories of the Act, as listed above, for each of the years since 2010 -11?

In response to this question, I can confirm that in terms of section 17 of the Freedom of Information (Scotland) Act 2002, Police Scotland do not hold information regarding convictions.

You may wish to contact the Crown Office and Procurator Fiscal Service and/ or the Scottish Courts Service for information.

Notwithstanding, I can further advise that Police Scotland defines a *hate crime* as “any crime which is perceived by the victim or any other person, to be motivated (wholly or partly) by malice and ill-will towards a social group.”

Social groups are identified in accordance with the Lord Advocates guidelines on Aggravations of Offences against Prejudice ie race, sexual orientation, religion/faith, disability or transgender identity.

They are not sub-categorised as per your bullet points above.

You may be interested in a recent FOI on related crime statistics:

www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/0/2020/february/20-0180

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Should you require any further assistance please contact Information Management - Dundee on 01382 5956657 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.

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