

Our Ref: IM-FOI-2022-1797
 Date: 20 September 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.

To provide some general context, Police Scotland defines a **hate incident** as ‘any incident 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 but which does not constitute a criminal offence.’

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 i.e. race, sexual orientation, religion/faith, disability or transgender identity.

1) The number of non-crime hate incidents reported to Police Scotland for each of the last 5 years

In response to your request please see the table below. Please note the caveats attached.

Recorded Hate incidents – No Crime, Police Scotland ¹						
Period: 1st January 2017 - 31st July 2022 (Calendar Years)						
	2017	2018	2019	2020	2021	2022*
Recorded Hate Incidents	457	494	702	851	928	625

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 6th September 2022.

1. The data was extracted using the incident’s raised date and extracted from iVPD by selecting hate concern flag. Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD. When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy. Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months.

Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site (<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/june/21-1479-sop-records-retention/>).

2) The number of individuals police scotland kept on file for non-crime hate incidents for each of the last 5 years

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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, in order to provide a response to this question clarification was sought, you advised that by "individuals" you meant "suspects" Further investigation provides that the database that holds the necessary data does not hold "suspect" data but "perpetrator" data. In an effort to keep within the spirit of the Act, perpetrator data was requested.

Unfortunately, the interim Vulnerable Persons Database (iVPD), is limited in its capacity to provide statistics and there is no automated way to retrieve the information requested. 2,079 records were returned and each of these would need manual assessment to determine if the record held is relevant to a perpetrator or a subject of concern. I estimate that it would take 3 minutes to examine a single record, this would equate to over 103 hours of work which greatly exceeds the cost threshold set out within the Act.

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.

You may wish to consider a reduced timescale such as a single year which may allow some information to be provided.

To be of assistance you may find Police Scotland's Record Retention Standard Operation Procedure which is publically available, useful.

<https://www.scotland.police.uk/spa-media/nhobty5i/record-retention-sop.pdf>

3) The number of hate crimes reported for each of the last 5 years

In response to this question please see the table below. Please note the caveats attached.

Recorded Hate Crime, Police Scotland ¹						
Period: 1st January 2017 - 31st July 2022 (Calendar Years)						
	2017	2018	2019	2020	2021	2022*
Recorded Hate Crimes	6,706	6,303	6,391	6,940	6,790	3,855

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 6th September 2022.

1. The data was extracted using the incident's raised date and extracted from iVPD by selecting hate crime aggravators. Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD. When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy. Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months

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Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site (<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/june/21-1479-sop-records-retention/>).

4) The number number of individuals charged with a hate crime for each of the last 5 years

5) The number of individuals kept on file for hate crimes for each of the last 5 years

In response to these two question please see the table below. Please note the caveats attached.

In order to provide context, I can advise that when a perpetrator is identified and the evidence is sufficient to charge a suspect, Police Scotland will do so.

Our iVPD system does not hold data after it has been automatically weeded as per our retention policy which was linked in our answer to question 2. The number of individuals kept on file is therefore also as per the below but I would advise that the number relates to individuals but not unique individuals.

Perpetrators Linked to Recorded Hate Crime, Police Scotland ^{1,2,3}						
Period: 1st January 2017 - 31st July 2022 (Calendar Years)						
	2017	2018	2019	2020	2021	2022*
Perpetrators	6,695	6,195	6,246	6,782	6,819	3,792

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1. The data was extracted using the incident's raised date and extracted from iVPD by selecting hate crime aggravators.
2. Please note, Table 3 displays incident nominal Perpetrators linked to an incident with at least one recorded hate crime.
3. Please note, each incident would need to be read to confirm the circumstances.

Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD. When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy. Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months.

Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site (<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/june/21-1479-sop-records-retention/>).

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.

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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.