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Our Ref: IM-FOI-2022-0896
Date: 17th June 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.

A 'strip search' is a specific practice related to the overall stop and search powers available to the police.

There are two distinct types of strip search that are outlined under the Police and Criminal Evidence Act (PACE) 1984:

- 1. More Thorough Searches**
- 2. Searches Involving Exposure Of Intimate Parts Of The Body**

How many searches of under 18s involving exposure of intimate parts of the body were performed by officers in the following years:

2018
2019
2020
2021
2022 so far

Please provide a breakdown for each year by gender

Please provide a breakdown for each year by ethnicity

Following a clarification request as we do not use the terms more thorough searches or searches involving exposure of intimate parts of the body in Scotland you confirmed that figures on strip and intimate searches and that for 2022, figures up to 31st March 2022 was acceptable.

In Scotland, both a strip and intimate search will involve the exposure of intimate parts of the body and so a combined figure of strip and intimate searches has been provided in response to your request.

Police Scotland has two processes in regards to strip/intimate searches depending if it was part of a stop and search or part of a search when someone is brought into police custody.

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Stop and Search:

In regards to the period 01/01/2018 to 31/12/2021, please be advised that the requested information is 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”

I can confirm that the information requested is available through our public website. I have attached a direct link to relevant page for you:

<https://www.scotland.police.uk/about-us/how-we-do-it/stop-and-search/data-publication/>

There are guidance notes available in the information tab of each spreadsheet but to be of some assistance, you can filter column AK by excluding STANDARD searches which will leave strip searches inside police stations, strip searches outside police stations and intimate searches.

In regards to the period 01/01/2022 to 31/03/2022 please find the requested information in the attached spreadsheet.

Custody:

Please find the requested information in the attached spreadsheet.

I would ask you to note that an individual can be subject to both a strip and intimate search on different occasions during custody. In these instances, the same individual will be counted more than once within the figures provided.

Please provide a breakdown by outcome (for example released without charge)

Stop and Search:

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.

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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, whilst we do record the outcome of stop and searches, we do not specifically record whether someone was released without charge. In order to obtain the information requested, we would need to manually examine each search record to confirm if a charge resulted. This would involve checking more than one police system and may also involve contacting the searching officer for additional details. The search is further complicated by the fact that multiple outcome codes can be assigned to each search. In this case thousands of records would need to be manually checked and it is estimated it would take hundreds of hours of work to obtain the information requested.

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.

I would normally suggest that a request with a reduced timescale be considered however reducing the request to just a single year may exceed the cost threshold set out under the Act. You may also wish to consider asking for outcomes only, rather than specifying those released without charge.

Custody:

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, whilst we do record the outcome of custodies and the results (e.g. positive/negative) of searches, we do not separately record the outcome of searches. In order to determine what the outcome of a search was, as opposed to just the wider custody, each search would need to be manually checked to confirm this requested information.

In this case 2,122 entries would need to be manually checked. At a conservative estimate of 5 minute per record, this equates to over 176 hours of work to provide the information requested.

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.

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You may wish to submit a request with a reduced timescale such as a single year which may allow some information to be provided or amend your request to the search result (e.g. positive/negative) rather than the outcome.

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.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.