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Our Ref: IM-FOI-2022-0833
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.

This is a Freedom of Information request for the following data relating to searches of people aged under 18, where the search involved the removal of some or all of the individual's clothing.

1. Please state how many such searches were recorded in each of the following years:

a) 2017, b) 2018, c) 2019, d) 2020, e) 2021, f) 2022 to date

Following a clarification request, you confirmed that for 2022, figures up to the end of March 2022 would be acceptable.

For this question I have included strip searches and intimate searches combined as they both meet your criteria.

Police Scotland record strip/intimate searches separately depending on whether they took place as part of a stop and search or as part of the custody process.

All of the searches within our response have been limited to those aged 17 and under as per your request.

Stop and Search:

In regards to the period 01/01/2017 to 31/03/2017, 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.

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By way of explanation, our Stop and Search Code of Practice and the enhanced database introduced as a result only holds information back to 1st of April 2017. Prior to this, information was held in the legacy systems of the 8 territorial forces that made up Police Scotland. Recording practices and system capabilities varies across these systems and so the only way to obtain accurate and comparable figures would be for each search to be manually checked.

In this case many thousands of records would need to be manually checked to confirm firstly if a stop and search resulted in a strip search and then to obtain the breakdown requested. It is estimated this would take thousands of hours of work to provide the information requested.

In regards to the period 01/04/2017 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:

In regards to the period covering 01/01/2007 to 12/01/2017 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, our national custody system was introduced on 13th April 2017 and as a result only holds information back to this date. Prior to this, information was held in the legacy systems of the 8 territorial forces that made up Police Scotland. Recording practices and system capabilities varies across these systems and so the only way to obtain accurate and comparable figures would be for each search to be manually checked.

In this case many thousands of records would need to be manually checked to confirm firstly the type of search conducted and then to obtain the information requested. It is estimated this would take thousands of hours of work to provide the information requested.

In regards to the period 13/01/2017 to 31/03/2022, please find the requested information in the attached spreadsheet.

2. Please provide a breakdown for each of the answers to question 1, according to whether the searches were:

a) more thorough searches, b) more thorough searches where intimate parts are exposed (MTIP), c) intimate searches

We do not use the same terminology for searches in Scotland that is used in England and Wales. We do not for example have more thorough searches or more thorough searches where intimate parts are exposed.

In regards to question 2a and 2b in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In regards to question 2c, please find the requested information in the attached spreadsheet for stop and search and custody searches. I would direct you to my answer to question 1 as to reasons why the full period requested is not provided.

3. Please provide a breakdown for each of the answers to question 2, according to whether the person searched was:

a) already in custody, b) not in custody

In regards to question 3a and 3b, as my answer to questions 2a and 2b is that the information is not held and you are asking for a breakdown of this answer, I must advise that in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In regards to question 3c:

Stop and Search:

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As the answer to question 2c is 0, and it is not possible to break this down further I can only advise that this question is not applicable.

Custody:

All of the searches noted within the figures to Q2 for custody took place within Police Custody. I therefore direct you to the answer to question 2c in regards to custody on the attached spreadsheet.

4. Please provide a breakdown for each of the answers to question 3, according to the ethnicity of the person searched

In regards to question 4a and 4b, as my answer to questions 3a and 3b is that the information is not held and you are asking for a breakdown of this answer, I must advise that in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In regards to question 4c:

Stop and Search:

As the answer to question 3c is not applicable, it follows that any further breakdown requested is also not applicable.

Custody:

Please find the requested information in the attached spreadsheet. I would direct you to my answer to question 1 as to reasons why the full period requested is not provided.

5. Please provide a breakdown for each of the answers to question 4, according to the gender of the person searched

In regards to question 5a and 5b, as my answer to questions 4a and 4b is that the information is not held and you are asking for a breakdown of this answer, I must advise that in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In regards to question 5c:

Stop and Search:

As the answer to question 4c is not applicable, it follows that any further breakdown requested is also not applicable.

Custody:

Please find the requested information in the attached spreadsheet. I would direct you to my answer to question 1 as to reasons why the full period requested is not provided.

6. Please provide a breakdown for each of the answers to question 5, according to the age of the person searched

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In regards to question 6a and 6b, as my answer to questions 5a and 5b is that the information is not held and you are asking for a breakdown of this answer, I must advise that in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In regards to question 6c:

Stop and Search:

As the answer to question 5c is not applicable, it follows that any further breakdown requested is also not applicable.

Custody:

Please find the requested information in the attached spreadsheet. I would direct you to my answer to question 1 as to reasons why the full period requested is not provided.

7. Please provide a breakdown for each of the answers to question 6, according to the outcome code recorded

We do not have outcome codes in Scotland and so in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

8. Please also provide the following in the form of a spreadsheet (either Excel or csv):

A list of searches conducted since 1 Jan 2017 on people aged under 18, where the search involved the removal of some or all of the individual's clothing, to include for each search only the data from the following fields (where available):

- a) date of search**
- b) nature of search (eg MTIP)**
- c) whether the person was in custody**
- d) ethnicity of person searched**
- e) gender of person searched**
- f) age of person searched**
- g) outcome code**

(In other words, in the spreadsheet there will be one row of data for each search, and that row will consist of 7 cells, namely the information for each of the fields listed in (a)-(g), where available).

Whilst the Freedom of Information (Scotland) Act provides a right of access to information held by Police Scotland, we are not required to create new information in order to answer a request. Compiling the dataset requested would be classed as creating new information and as such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the dataset requested is not held by Police Scotland.

To be of some assistance I can confirm that in regards to stop and search data, as previously advised we do publish this on a quarterly basis and at present have information running from 31/03/2017 up until 31/12/2021. This information does not exactly match the format requested and the issues covered in questions 3-7 will also cause the same

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problems here. The next quarter data will be published in due course with the exact date still to be confirmed.

We do not currently publish custody search information.

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.