

Our Ref: IM-FOI-2022-0467  
Date: 31<sup>st</sup> March 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.

**For clarification - when I refer to the last ten years I am requesting from and including 1st January 2012 to 1st January 2022. All information requested is in relation to licensed gun holders.**

**How many warrants were applied for by Police Scotland to a Scottish Court in relation to a complaint of a licensed gun holder in the last ten years?**

**Of these warrants referred to in question 1, how many of these were applied for under the Firearms Act 1968 (Section 46) and how many were applied for under the Police Fire and Reform Act 2015?**

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, when paperwork is received in regards to a warrant, it is not included within the paperwork whether the warrant was one issued at the request of the Crown Office and Procurator Fiscal Service (COPFS) directly or where Police Scotland initially requested this.

It is possible that the information requested is recorded in the individual case files for each case reported but there is no specific field for this to be recorded and so it will be included within free text sections of the report. As there is no automatic way to retrieve this information, each case reported to COPFS for a 10 year period would have to be manually reviewed to see if Police Scotland requested a warrant.

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In this case tens of thousands of cases would need to be manually checked. At a conservative estimate it would take on average 10 minutes for each to be fully read in this case. Due to the number of cases involved, it would take many thousands of 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.

I have investigated the possibility of refining your request by reducing the timescale it covers. Unfortunately, even if we take the single year of 2020/21 as an example, Police Scotland had over 255,000 detected crimes during this period. Whilst some of these will have not resulted in a case (e.g. where a fixed penalty ticket was issued) the majority will have. Even taking this single year would vastly exceed the cost threshold.

I do not think there would be any way to refine your request and provide the range of information requested. Even on a daily basis is likely to exceed the cost threshold.

You may wish to make a request to COPFS directly using the following email address to see if they hold statistics on this matter:

[foi@copfs.gov.uk](mailto:foi@copfs.gov.uk)

**How many complaints have been raised with Police Scotland against licensed gun holders by that licensed gun holder's employer or former employer in the last ten years? Of these complaints referred to, how many of these licensed gun holders were in litigation with their said employer/former employer?**

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, our firearms licensing system does not record this specific information.

Whilst it is possible the information could be held within files on our systems or on our incident recording system, we would require firstly to manually examine each incident report or file on our firearms licensing system to see if it related to a complaint. This information would then have to be cross referenced with the licence holder to see if they were an employee of the complainer at the time. Finally a check would be required to see if there was any note of litigation with the employer.

In this case many thousands of records would need to be manually checked. At a conservative estimate of 15 minutes per record, this equates to many thousands of hours of

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work to provide the information requested. It is also likely that even if such a search could be completed, the employer of a licence holder will not be held in all cases.

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.

**How many of the complaints received by Police Scotland over the last ten years in relation to a licensed gun holder, included the attendance of authorised firearms officers?**

**How many of the complaints received by Police Scotland over the last ten years in relation to a licensed gun holder, included the attendance of armed response vehicles?**

In regards to these two questions I can confirm that again this information is not recorded on our firearms licensing system. I direct you to the answer to the previous question.

**How many licensed gun holders over the last ten years, who voluntarily surrendered guns had them returned without a full suitability review being carried out by Police Scotland?**

I can confirm that our firearms licensing system does not record this information. As such, 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.

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](mailto: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](mailto: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.