| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0761  Responded to: 04 April 2023 |
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Your recent request for information is replicated below, together with our response.

## I am currently going through the United States Adoption home study process to adopt a child. As art of the process our adoption agency requires access to the sex offender registry of any places that I have previously lived. I was curious if there was a way I could get this information to my agency. I know this is public information in America but I am unsure of the openness of this in the UK. I previously lived in Dundee postcode DD1 [ ] in 2016-2017 and attended the university of Dundee. I was able to see through your site that there are a number of offenders in postcode DD1 but not names

In response, I can provide that information with regard to Registered Sex Offender (RSO) numbers, by postcode, are published on the Police Scotland website:-

[Registered Sex Offender (RSO) Numbers - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/specialist-crime-division/sex-offender-policing-units/registered-sex-offender-rso-information/)

As you will see from our published data on Registered Sex Offender’s, there is currently fifteen in the DD1 area. We are refusing to provide you with their names under Section 16 of the Freedom of Information (Scotland) Act 2002,

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. The exemption(s) that I consider to be applicable to the information requested by you are;

**Section 38(1)(b) - Personal Data.**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

*‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject* ’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is set out at Article 6(1)(f) which states:

*‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’*

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

I can further advise you that the following exemptions also apply to your request.

**Section 35(1)(a)&(b) - Law Enforcement**

Information is exempt information if its disclosure under this Act would, or would be likely to prejudice substantially the prevention or detection of crime.

In terms of the Sexual Offences Act 2003, an RSO is compelled to register with the Police.

The purpose of this registration is to enable the police and other relevant authorities to supervise and monitor RSOs with a view to assessing the risk of them re-offending.

In essence, this strategy of supervision and monitoring is aimed at preventing RSOs from committing a similar offence and protecting the wider community from any risk they pose. It relies on the compliance of RSOs with such supervision, in order that they can be adequately monitored and assessed.

It is important to bear in mind that that any disclosure under FOISA is a disclosure to the world at large, as it places the information requested into the public domain. If detailed information regarding any RSO was disclosed, this may lead to the physical harm of the

RSO or, fearing identification and some form of reprisal attack, the RSO fleeing the area and the police losing contact with the individual.

An RSO, like any other individual, expects their data to be treated confidentially and if information was disclosed, any established trust between the RSO and the police would be broken making it more difficult for the police to ensure the RSO complies with the terms of their registration. Without the appropriate supervision and assessment, there would be a greater risk of these individuals re-offending.

Specifically there is an increased chance that individuals would, at worst, potentially target individuals, putting these individuals at greater risk of physical harm. The potential consequence of disclosure in relation to such areas is such that it could eventually become impossible for RSOs to be housed in those areas because of the negative impact and likely disorder that would ensue.

If this occurred across a large number of areas it would become impossible for the police and their partner agencies to house and monitor RSOs appropriately.

**Section 39(1) - Health and Safety**

Information is exempt information if its disclosure would or would be likely to endanger the physical or mental health or safety of an individual.

As previously stated, disclosure could lead to a serious detriment to the mental wellbeing of an RSO as well as a significant risk that they will come to serious physical harm. There are many examples of this having occurred across the UK.

**Public Interest Test**

Whilst I accept that there is a public interest in terms of better informing the public as to the management of registered sex offenders in the areas in which they live, there can be no parallel interest in the disclosure of information where there would be a detriment to the ability of Police Scotland to prevent and detect crime and keep people safe from harm.

Disclosure would undoubtedly increase the likelihood of an RSO being physically or mentally harmed and it would also impede the police in terms of carrying out their duties in relation to the assessment and supervision of RSOs.

It is therefore my view that where held, any information which identifies the details of specific individuals would be considered exempt from disclosure

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.