| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1751  Responded to: 02 August 2023 |
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Your recent request for information is replicated below, together with our response.

## I am writing to request information regarding data sharing of personal data between your agency, Police Scotland, and the UK Home Office.

## More specifically, I am particularly interested in the following information:

## Data Sharing of Individual Personal Data with Home Office (May 2022-2023)

## • How many victims, witnesses or alleged perpetrators of crimes who are migrants have had their personal data shared by Police Scotland with the UK Home Office between 1st May 2022 and 31st May 2023? Please provide the scans of the reports, files and/or documents where this information is gathered, in pdf file format or web link, within the £ 600 cost limit of the Act.

## • How many victims, witnesses or alleged perpetrators of crimes who are migrants were reported by or referred by Police Scotland to the Home Office between 1st May 2022 and 31st May 2023?

## • The number of victims of domestic abuse, human trafficking, and exploitation who are migrants referred to the Home Office by Police Scotland between 1st May 2022 and 31st May 2023. Please provide the scans of the reports, files and/or documents where this information is gathered, in pdf file format or web link, within the £ 600 cost limit of the Act.

## If the request is too ample and exceeds this cost limit, then I would like to receive the available information regarding this topic between 1st January 2023 and 31st May 2023 or the timeframe you consider is covered by the cost limit.

## Of these:

## • How many were women?

## • How many were, children under the age of 18?

## • How many were persons with disabilities?

## • How many were, after a report or referral, detained under immigration powers, whether by Police Scotland or by the Home Office? Please provide the scans of the reports, files and documents where this information is gathered within the £ 600 cost limit of the Act.

## • How many were, after a report or referral, administratively removed or deported from the UK by the Home Office? Please provide the scans of the reports, files and documents where this information is gathered within the £ 600 cost limit of the Act.

In accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, this information is not recorded centrally and there is no easy way to extract this from our recording systems. Each Police Officer across Scotland would need to be contacted and individually asked to pull this information.

Police Scotland currently has in excess of 17,000 police officers and it is clear that it would take in excess of the £600 and 40 hours prescribed by the Scottish Ministers under the Act to identify this information. I can find no overwhelming public interest in this case, which would allow me to justify such expense.

To explain, when a Foreign National is arrested, charged or reported in Scotland either by fixed penalty/ASBO or any other direct measure then Police Officers are required to contact Home Office Immigration Enforcement (HOIE) National Command and Control Unit (NCCU). If the subject is an immigration offender, the NCCU will advise the officer to arrest for immigration purposes.

Police Officers are also required to submit an International Criminal Conviction Exchange Request (ICCE form) and if the offender holds convictions in a foreign country that are classed as high harm to UK communities this will be referred to HOIE for consideration of deportation, removal or curtailment.

Each division within Police Scotland collate their ICCE forms which have been submitted, however these will only be referred to HOIE if they meet criteria of High Harm Foreign Convictions or High Harm UK Conviction

We only get the immigration status once details are shared if they meet High Harm Criteria and if they’ve requested Asylum in the United Kingdom.

**I am aware of the existence of an “Information Sharing Agreement (umbrella) between National Counter Terrorism Police Functions Command Police Scotland and Home Office (2016)” which has been previously released under FOI request. However, have any other Information Sharing Agreement or similar documents been drafted and/or published since then, relating specifically a Memorandum of Understanding, policy or protocol for data sharing between Police Scotland and the UK Home Office? If the answer is yes, please provide any final version or draft of the document. Also, provide the scan of the document and a web link for it.**

**What are the regulations, policies, protocols, procedures, and guidelines concerning the sharing of personal data of individuals with insecure immigration status between Police Scotland and the Home Office? Please provide any final version or draft of these documents as a scan, pdf file and web link where it is gathered.**

**What are the specific standards of service or special measures for migrants who are victims and witnesses of domestic violence, human trafficking and exploitation drafted and/or adopted by Police Scotland? Please provide any final version or draft of these documents as a scan, pdf file and web link where it is gathered.**

## Has the National Police Chiefs Council guideline titled “Information Sharing with the Home Office where a victim or witness of crime is a suspected immigration offender” been also adopted by Police Scotland? If the answer is no, please provide the guidelines, protocols or any other relevant document adopted by Police Scotland on this subject as a scan, pdf file and web link.

I have attached an Umbrella MoU between the Home Office, NPCC, Police Scotland and PSNI titled ‘Umbrella MoU between The Secretary of State for The Home Department and the National Police Chiefs’ Council, Police Scotland and Police Services Northern Ireland’ which should be of assistance. I have also attached a copy of our MoU/information sharing agreement template.

**I would be interested in all relevant information held by your agency regarding my request, including, but not limited to, relevant minutes, written notes, reports, files, documents, email correspondence and all paper and electronic records concerning this topic between your agency and the UK Home Office and/or between other relevant parties. I understand that it is the organisation’s responsibility to share relevant documents and files related to the requested information.**

As above in accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, there is no easy way to provide this information to you. Each Police Officer/division across Scotland would need to be contacted and individually asked to pull this information.

Police Scotland currently has in excess of 17,000 police officers and 13 Divisions. It is clear that it would take in excess of the £600 and 40 hours prescribed by the Scottish Ministers under the Act to identify this information. I can find no overwhelming public interest in this case, which would allow me to justify such expense.

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.