

Our Ref: IM-FOI-2022-1054
Date: 19 May 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.

I am writing to make a request under the Freedom of Information Act 2000 about the number of reports the police force has received, regarding the number of confirmed dead birds of prey over the past five years.

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, we cannot collate this information as our Police systems do not allow us to search for dead birds of prey. The only way would be to physically examine all incidents of wildlife crime of which there would be thousands of. To carry out such a task would take well in excess of the cost limits prescribed by the Scottish Ministers.

Please would you be able to tell me the number of dead birds of prey that have been confirmed by the police for each year?

Please would you be able to tell me the cause of death confirmed by the police for each dead bird of prey for each year? If the answer is unknown, please state this.

Police Scotland does not hold information in the format requested. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, we cannot collate this information as our Police systems do not allow us to search wildlife crime. If we were able to collate the relevant 'dead bird' incidents we would then need to engage with partner agencies to trace post mortem reports to establish cause of death for each bird.

Finally, for each year, would you be able to tell me how many of these confirmed deaths resulted in some form of police prosecution stating whether or not each prosecution was successful?

I can advise you that Police Scotland does not hold the information requested by you. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

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By way of explanation, the role of the police in Scotland, in relation to crimes and offences, is to investigate the circumstances and where sufficient evidence exists to then report the matter to the relevant Procurator Fiscal. It is a matter for the Procurator Fiscal to decide on and to progress any prosecution through the courts. The disposal in relation to cases reported to the Procurator Fiscal is not routinely passed to the police, therefore, the Service do not hold the information requested in relation to convictions.

By way of assistance, I have listed below contact details for the Crown Office and Procurator Fiscals Service who may be able to assist you in this matter:

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA or via <http://www.copfs.gov.uk/>

Should you require any further assistance please contact Information Management – Glasgow at foi@glasgow@scotland.police.uk 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.