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Our Ref: IM-FOI-2022-1428  
Date: 29<sup>th</sup> July 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 the avoidance of any doubt, all of my requests from Q2-Q8 related to calendar years, from 2017 to the most recently held information for 2022.**

- 1. How many non-crime hate incidents were recorded against people who identify as Roman Catholic since this legislation came into effect until 30 June 2022? Please provide breakdown by month if possible**
- 2. How many hate crimes were committed against people identifying as Roman Catholic for each of the last 5 calendar years.**

In response to questions 1 and 2 I can advise, in terms of Section 17 of the Act, the information you seek is not held by Police Scotland.

By way of explanation Police Scotland does not record the religious faith of individuals. For crime recording purposes, Police Scotland records an offence with a religious aggravator, however the victim does not necessarily have to identify with the aggravator. The aggravator is present due to the nature of the offence rather than how the victim identifies.

- 3. Of these crimes, how many were assaults?**

As per the response to questions 1 and 2, this question is non-applicable.

- 4. How many of your officers in each of the last 5 calendar years have experienced anti-Catholic abuse?**
- 5. How many police staff have experienced anti-Catholic abuse in the same period?**

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.

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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, as you may be aware police officers experience abuse from members of the public on a frequent basis. On some occasions these abuses result in a crime being recorded and in other cases an officer may use their discretion to deal with the matter in a different manner. In cases where a different manner is used, no crime report will be recorded and the details may be recorded as part of the incident report on our STORM incident system or within the officer's notebook.

As such in order to provide a full response to your questions, all hate crimes with a religious aggravator would need to be manually examined to determine whether or not the employment status of the victim was recorded as this information is not mandatory. Additionally, all police officer notebooks and STORM incidents would need to be manually audited to determine whether or not any mention of anti-Catholic abuse was recorded.

Police Scotland records over 1.5 million incidents each year and so reviewing just incidents would take thousands if not tens of thousands of hours to complete. This would be before officer notebooks were considered.

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.

Whilst I would normally suggest a reduced timescale is considered in order that information could be provided. Due to the number of incidents we record, I do not believe there is a way your request could be refined to allow it to be completed within the cost threshold.

### **6. How many of your officers have been accused of anti-Catholic abuse or behaviour in the workplace for the same period?**

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 complaint recording system does not have a category that would allow this information to be automatically extracted and so a manual review of cases would be required. Between 1st January 2017 and 30<sup>th</sup> June 2022, 38,275 Complaint, Conduct and Misconduct cases have been received. In order to provide the information required a manual check of all records would need to take place. I have estimated that it would take approximately 10 minutes per record to extract the necessary data which equates to over 6,379 hours of work to complete.

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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.

Whilst I would normally suggest a reduced timescale is considered in order that information could be provided. Due to the manner in which Police Officer complaint records are held and the number that would need to be checked for even a single year, it may be challenging to be able to provide a response to your request regardless of any attempt to reduce the scope.

### **7. How many police staff have been accused of anti-Catholic abuse or behaviour in the workplace for the same period**

In response to this question, I can advise that one police staff member was accused of anti-Catholic behaviour.

### **8. If any cases of this nature did occur, how many resulted in disciplinary action against your officers or staff?**

In the particular case mentioned in question 7, I can advise that the case resulted in disciplinary action.

### **9. Finally, do you record the social/religious background of the perpetrator of these acts? For example: Protestant, LGBT, Atheist etc. I appreciate that you may not collate this information**

I have taken this question to refer to your initial questions rather than as a follow-up to question 7 and 8.

In response to this question I can advise that the social/religious background of the perpetrator is not routinely recorded. However it may be the case that the social or religious background may be recorded in the free text within any crime or statement record.

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.

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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.