Our Ref: IM-FOI-2022-0667
Date: 26 April 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.

> 1. **How many homophobic and transphobic hate crimes have been reported in (a) Perthshire, (b) Fife and (c) Angus over the last ten years?**
>
> 4. **Could these possibly be split into "homophobic hate crimes" and "transphobic hate crimes"?**

In response to your request, I regret to inform you that I am unable to provide you all of 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, Police Scotland was created on 01 April 2014. Data held prior to this date is held on multiple legacy systems. In order to provide the data that you require for the years 2012 and 2013, thousands of records from multiple recording systems would have to be extracted and manually assessed for relevance. This is an exercise I feel would greatly exceed the cost limit set out within the Act.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours work and so this part of your request would breach the cost threshold.

For data from 2014 onwards please see the table below.

To provide some general context, Police Scotland defines a **hate incident** as '*any incident which is perceived by the victim or any other person to be motivated (wholly or partly) by malice and ill-will towards a social group but which does not constitute a criminal offence.*'

Police Scotland defines a **hate crime** as, '*any crime which is perceived by the victim or any other person, to be motivated (wholly or partly) by malice and ill-will towards a social group.*'

Social groups are identified in accordance with the Lord Advocates guidelines on Aggravations of Offences against Prejudice i.e. race, sexual orientation, religion/faith, disability or transgender identity.

It is worthy of note that the figures provided relate to crimes and incidents recorded as being aggravated by transgender prejudice. Victims of hate crimes/incidents do not have to be a member of any of the protected groups in order to be a victim. For example, in this instance an individual who is the victim of a transphobic incident does not have to be transgender, or disclose their transgender identity, for this to be perceived, recorded and investigated as a hate related incident.

The table below provides the number of detected hate crimes that have either a Transgender aggravator or a Sexual orientation aggravator. Please note that figures for Angus are included under our Tayside Division which covers both.

Number of Detected Hate crimes: Tayside and Fife		
Period: 1st April 2014 to and inclusive of 31st December 2021.		
Crime Type	Fife	Tayside
Transgender	42	32
Sexual Orientation	467	420
All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 7/4/2022.		
Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD. When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy. Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months.		
Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site.		

2. Were there any charges or fines issued?

As the table provides the above figures relate to detected hate crimes. A detected crime provides that a suspect has been identified and charged with an offence. A report would then be sent to the Crown Office and Procurator Fiscals Service (COPFS). A Fixed Penalty Notice would not be issued for a hate crime. All detected hate crimes would be reported to COPFS.

3. Have the police changed how these statistics are recorded?

Since the inception of Police Scotland, statistical recording methods have not been amended.

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 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.