

Our Ref: IM-FOI-2022-0165
Date: 09 February 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.

Following the filming of the football match between Aberdeen and Rangers on 18th January 2022 and racist and/or sectarian singing;

1. Could you please advise how many people were arrested/charged in respect of these offences in connection with the match (either at the match or afterwards based on examination of video footage)?

I can confirm that there have currently been no persons arrested or charged in relation to racist and/or sectarian singing at or after the match on 18/01/2022. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

2. I have noticed from previous FOI requests that it is possible to request a copy of the match report. Could you please provide this?

A redacted copy of the requested report is attached.

Some operational detail held within the match report is not provided and in terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with this information.

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.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided below:

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

Modern-day policing is intelligence led, and disclosure would enable those engaged in criminal activity to identify the focus of policing targets.

This, in turn, would be likely to prejudice substantially the ability of the police to investigate and detect crime, and would have a similar detrimental impact on the apprehension or prosecution of offenders - making the information exempt from disclosure in terms of Section 35(1)(a)&(b).

Being aware of details and planned actions would allow persons or groups intent on committing offences or causing disorder with the means to make a reasonable assessment of future football matches and other similar events. This in turn would allow those individuals or groups to make an accurate assessment of the capacity of the Service to deal with incidents at specific matches, compromising any tactical advantage the police may have over such persons or groups when dealing with any crime or disorder.

Section 39(1) - Health, Safety and the Environment.

The release of information that undermines the operational integrity of these activities will adversely affect public safety and have a corresponding negative impact on law enforcement. This would leave members of the public at an increased risk of being the victim of crime, unruly or intimidating behaviour and jeopardise wider community safety.

Furthermore, Police Scotland has a duty of care to all of its staff and in particular to those officers who specifically work within the areas concerned. Public disclosure of the information would also endanger the safety of those specific individuals as well as the wider public.

Both of the exemptions above require the application of the Public Interest Test:

In general terms, match commander reports are likely to contain detailed information relating to how existing or future fixtures are policed, ultimately revealing specific operational strategies. Any such release would either compromise or significantly weaken police tactics and would also undermine any on-going investigations and potentially any future investigations, enabling targeted individuals or groups to become aware of such strategies and find ways to circumvent them.

Even where non-specific information is recorded, this would reveal the thought processes and techniques employed by Police Scotland and would in turn help subjects avoid detection, and inhibit the prevention and detection of crime.

While it could be argued that public debate and accountability in terms of managing sporting fixtures and public events would favour disclosure, the Service needs to consider the impact of the release of this information into the public domain. I believe it is reasonable to expect Police Scotland to ensure that all information held is managed effectively and where necessary, be cautious as to the level of detail released into the public domain.

In summary, the key test when considering where the balance of public interest lies is to establish whether, in all the circumstances of the request, the public interest in confirming or denying the information is held is not outweighed by maintaining the exemption(s). In this instance I believe the exemption(s) are upheld.

3. Could you also provide the statistical information for matches between these two teams in Aberdeen for the proceeding five years?

I have interpreted the specific subject matter question as following that of Q3 – i.e. statistics relating to recorded incidents of racist and/or sectarian singing. The following information is provided on that basis and a Section 17 response (Information not held) applies to any match providing a zero return:

Season 2020-2021

No fans permitted into grounds due to COVID restrictions so no arrests.

Season 2019-2020

Season cut short due to COVID outbreak so only one AFC v RFC fixture at Pittodrie. No arrests in relation to racist and/or sectarian singing.

Season 2018-2019

05/08/2018 - No arrests in relation to racist and/or sectarian singing.

06/02/2019 - 1 x AFC fan arrested in relation to racist and/or sectarian singing - Fined £300

Season 2017-2018

03/12/2017 - No arrests in relation to racist and/or sectarian singing.

08/05/2018 - No arrests in relation to racist and/or sectarian singing.

Season 2016 -2017

25/09/2016 - No arrests in relation to racist and/or sectarian singing.

09/04/2017 - 1 x RFC fan arrested in relation to racist and/or sectarian singing - Fined £600

If you require further assistance or 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.

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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.