

Our Ref: IM-FOI-2022-2525
Date: 07 December 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.

Follow up to 22-2336:

- Between 2018 and present, how many crimes or anti-social behaviour incidents occurred in your force area, where the victim was living with Dementia?***
- Of those crimes and ASB incidents, how many occurred in a care setting?***

Having considered your request in terms of the Act, 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, there are no markers etc. on incident or crime recording systems to indicate whether a victim is residing in care /or living with dementia. Therefore the only way to establish these specifics would be to examine all crimes and incidents since January 2018. As such this an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

You also stated in your letter:

I find it extremely concerning that nationally, Police forces are not able, with some degree of ease, to determine this kind of data. I ask the question - how can Police forces' look after the extreme vulnerabilities that face a person living with dementia. Particularly if a person living with dementia may not have the ability to self-advocate?

In terms of Section 8 of the Act, this part of your request is deemed to be seeking opinion/comment as opposed to recorded information and it is not therefore a valid request.

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Just as concerning is that I have asked some forces Data Controllers in their responses to me, to also signpost their replies, by involving their chief officer, Neighbourhood Teams, and HR and Diversity leads. To date not one chief officer, Neighbourhood Team, or HR and Diversity leads has contacted me to highlight what they are doing to support (LGBT) communities Living with dementia.

Please be advised that FOI is for requesting recorded information only - it is not a conduit for passing on details to other departments.

Should you wish to make contact with individuals or departments please refer to our contact us page on our website: [Contact Police Scotland - Police Scotland](#)

You may be interested in information on our website pertaining to the Herbert Protocol which is in relation to locating missing people with dementia: [The Herbert Protocol - missing persons with Dementia - Police Scotland](#)

Should you require any further assistance please contact Information Management - Dundee at foidundee@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.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.

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