

Our Ref: IM-FOI-2022-0275
Date: 22 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.

A list of all crimes reported where the victim's red/ginger hair was a factor in the offence during the last five calendar years. Please include:

a) a description of the offence

b) the location

c) the date reported (DD/MM/YYYY)

d) the most recent crime outcome

2. A list of all hate incidents where the victim's red/ginger hair was a factor in the offence during the 2017, 2018, 2019, 2020 and 2021 calendar years. Please include:

a) a description of the incident as recorded

b) the location

c) the date reported (DD/MM/YYYY)

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, the only way to provide an accurate response to your request would be to examine each and every recorded crime or hate crime to establish whether hair colour was a factor. Therefore given that tens of thousands reports would have to be examined this is an exercise which would far exceed the cost limit set out in the Fees Regulations.

I can further advise you that hair colour is not within a social group which is currently protected under hate crime legislation. As such an offence would only be recorded as a hate incident if it met the appropriate criteria of being *perceived by the victim or any other person, to be motivated (wholly or partly) by malice and ill-will towards a social group* in relation to one of the 5 characteristics of disability/ race/ religion/ sexual orientation/ transgender identity.

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Should you require any further assistance please contact Information Management - Dundee on 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.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.

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