

Our Ref: IM-FOI-2022-1243  
Date: 14<sup>th</sup> June 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.

**Over the last three years, how many DNA samples were taken in sexual assault cases? How many went for processing in a lab and eventually into the National DNA Database?**

It would be great if the data could be presented in a table such as the one below:

Year	Number of sexual assault cases recorded by your force	Of these cases, how many resulted in at least one DNA samples being taken from the victim?	Of the sexual assault cases, how many resulted in DNA being taken from a suspect?	Of those cases with DNA samples, how many were sent to a lab for processing?	Of the cases with DNA samples, how many were entered into National Criminal Database
2018/19					
2019/20					
2020/21					

In regards to the number of sexual assault cases recorded by Police Scotland please be advised that the requested information is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. 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.

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I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

I can confirm that the information requested is available through our published crime statistics. I have attached a direct link to the relevant part of our website below. The requested crimes are included under the section for group 2 crimes within the relevant Management Information Force Report Quarter 4 for the year required:

<https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/>

In regards to the rest of the information requested, 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 crime recording systems do not have a specific field to record whether a DNA sample was taken or not and this information will be included in free text areas of the report. There is no way to automatically retrieve this information and so a manual review of each sexual assault would be required.

If we take just 2021/22 as an example, this would equate to 3,300 case files to be checked. At a conservative estimate of 5 minutes per record, this equates 275 hours of work to provide the information requested. To complete the full 3 years requested would obviously take longer than this.

I have thereafter explored the alternative of the data being retrieved directly from the DNA Database rather than from our crime systems. Unfortunately the DNA Database does not record the offence type a sample was taken for and instead records the case number. This means that every sample record would need to be checked and cross referenced with our crime systems to confirm if it related to a sexual assault. Due to the number of records held on the DNA database, this would take many thousands of hours to complete.

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 suggested a reduced timescale is considered, even taking a single year would vastly exceed the cost threshold within the Act.

To be of some assistance however, I can provide the following context. If a Criminal Justice sample is taken for a sexual offence arrest, it would be submitted to the lab for

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profiling unless the subject already had a DNA profile on Record, then it would be held in long-term storage until required.

If a Criminal Justice sample is taken for a sexual offence arrest, it would be submitted to the National DNA Database (NDNAD) unless the subject already had a DNA profile on the system, then it would be exported to the NDNAD if the existing profile met its retention period and was weeded from the system.

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.pnn.police.uk](mailto: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](mailto: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.