| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0716  Responded to: 29 March 2023 |
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Your recent request for information is replicated below, together with our response.

Tackling domestic abuse is a priority for Police Scotland and we are committed to working with our partners to reduce the harm it causes and ultimately eradicate it.

Domestic abuse is a despicable and debilitating crime which affects all of our communities and has no respect for ability, age, ethnicity, gender, race, religion or sexual orientation.

Police Scotland will not tolerate it.

Police Scotland will proactively target perpetrators and support victims to prevent domestic abuse from damaging the lives of victims and their families.

Police Scotland defines domestic abuse as:

“Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship.

The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners.

The abuse may be committed in the home or elsewhere including online”

This definition is included in the Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS), “*In partnership challenging domestic abuse*” which is a public document that can be found on the [Police Scotland](https://www.scotland.police.uk/spa-media/ymzlwhwj/joint-protocol-between-police-scotland-and-copfs-in-partnership-challenging-domestic-abuse.pdf?view=Standard) website or on the [COPFS](http://www.copfs.gov.uk/) website.

**How many disclosures were made under Police Clare’s Law - the Domestic Violence Disclosure Scheme - using under the Freedom of Information Act.**

**Would it be possible to disclose the following information - for the calendar years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022:**

## How many requests for a disclosure were made to your force under the “Right to Ask” during the years stated above? Can you please include the gender of the person making the request if it was given?

| **Year** | **Right To Ask Applications** | **Disclosures Made** | **Person Potentially at Risk  Female** | **Person Potentially at Risk Male** |
| --- | --- | --- | --- | --- |
| 2015 | 23 | 17 | 20 | 3 |
| 2016 | 83 | 49 | 81 | 5 |
| 2017 | 417 | 144 | 400 | 17 |
| 2018 | 559 | 185 | 550 | 15 |
| 2019 | 729 | 238 | 702 | 32 |
| 2020 | 892 | 307 | 860 | 31 |
| 2021 | 1114 | 392 | 1079 | 36 |
| 2022 | 1314 | 451 | 1260 | 54 |

## How many requests for disclosures were made to your force under the under ‘Right to Know’ during this time period? Can you please reveal which gender the right to know request relates to?

| **Year** | **Power To Tell Application** | **Disclosures Made** | **Person Potentially at Risk Female** | **Person Potentially at Risk Male** |
| --- | --- | --- | --- | --- |
| 2015 | 4 | 4 | 4 | 0 |
| 2016 | 58 | 49 | 57 | 1 |
| 2017 | 662 | 447 | 642 | 29 |
| 2018 | 935 | 647 | 905 | 37 |
| 2019 | 1672 | 1085 | 1560 | 122 |
| 2020 | 2395 | 1725 | 2196 | 204 |
| 2021 | 2748 | 1944 | 2501 | 246 |
| 2022 | 2979 | 2120 | 2694 | 285 |

The Domestic Violence Disclosure Scheme (DVDS), known as ‘Clare’s Law’ was introduced in England and Wales in March 2014.

The DVDS was not introduced in Scotland.

On 1 October 2015, Police Scotland introduced the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) which operates in a similar way to the DVDS.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

DSDAS aims to prevent domestic abuse by empowering people with the **Right to Ask** about the background of their partner, potential partner or someone who is in a relationship with someone they know, when there is a concern that the individual may be abusive.

The scheme enables potential victims to make an informed choice on whether to continue their relationship, and provides further help and support to assist the potential victim when making that choice.

DSDAS also provides the **Power to Tell** where Police Scotland receives information or intelligence that domestic abuse may impact upon the safety of a victim or potential victim.

Please be advised that the number of DSDAS applications is less than the number of persons identified as being at risk.

This can occur as a result of more than 1 potential victim being identified and multiple ‘persons at risk’ being added to a single application or due to an input error.

The DSDAS database is a dynamic database which is constantly being updated and changed.

Duplicate applications are often submitted for persons potentially at risk.

Every application received by Police Scotland is assessed to confirm that it meets the criteria for disclosure.

Once an application has been submitted further information may come to light meaning that the application is no longer appropriate, for example if the applicant is no longer in a relationship with that person.

In this instance the application will not be progressed further.

Additionally in such circumstances where there is no information to disclose the application will not progress to a disclosure. In this instance the applicant will be informed.

Each potential disclosure is subject to multi-agency discussion, with at least 2 partner agencies.

There, those that are agreed to be Lawful, Necessary and Proportionate proceed to disclosure.

## Can you please break down as a percentage – the time it took to process the 'Right to Ask' disclosure requests: : a) 0-20 days, b) 21-35 days and c) 36+ days

## Can you please provide me with the longest period of time it took to process a ‘Right to Ask’ application (from request to disclosure / outcome) during the years stated above?

## Can you please break down as a percentage – the time it took process these 'Right to Know' disclosure requests: : a) 0-20 days, b) 21-35 days and c) 36+ days

## Can you please provide me with the longest period of time it took to process a ‘Right to Know’ application (from request to disclosure / outcome) during the years stated above?

In response to these questions 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 manually examine every application to establish timescales taken to process requests/applications. Given the numbers involved this an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.