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Our Ref: IM-FOI-2022-1794  
Date: 23<sup>rd</sup> September 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.

### **Non-Crime Hate Incidents (NCHIs)**

- 1. How many NCHIs has your force recorded against Police officers since 2014**
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- 3. How many NCHIs has your force recorded against members of the public generally since 2014.**

In response to your request, 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, whilst Police Scotland does record Non-Crime Hate Incidents (NCHIs) on our public protection system, the occupation field contained is not mandatory and cannot be automatically search. Therefore, each report would need to be manually reviewed to determine whether the occupation of the persons involved was present, whether they were a police officer or member of the public and then for those where it was missing, further research completed. Whilst it is likely this would ultimately result in an Information Not Held exemption being applied as the data would likely be incomplete even after research, it would take an excessive amount of time to confirm this was the case.

In this case 4,992 incidents would need to be manually checked. At a conservative estimate of 10 minutes per record to take account of instances where further research was required, this equates to over 832 hours of work to provide the information requested.

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.

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Whilst I would normally suggest a request with a reduced timescale was considered, in this case, taking just the most recent year of 2021/22 would equate to 982 incidents to check at over 163 hours of work. As stated previously, it is also highly likely that even if completed within cost, an information not held exemption would end up being applied.

### **2. How many complaints have been made against police officers in your force, which relate to the five Monitored Strands outside of NCHI pathway**

I can confirm that the five Monitored Strands outside of the NCHI pathway is not something that applies in Scotland and relates to England and Wales. 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.

We do record discriminatory behaviour as set out on Page 45 of the Complaints against the Police Standard Operating Procedure and I have included a link to this below. Once you have reviewed this, should you wish to submit a new request aligned to what we do record, we will be happy to look at this for you.

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

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.police.uk](mailto: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](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.