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Our Ref: IM-FOI-2022-1898
Date: 12th October 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.

1. How much expenditure is currently allocated within Police Scotland, a) in total and b) as a proportion of Police Scotland expenditure, towards i) cyber-crime prevention and ii) cyber-crime investigation

Whilst Police Scotland does have a dedicated Cybercrime Unit, local territorial divisions within Police Scotland also have officers who deal with cybercrime prevention and investigation. These officers will not be solely dedicated to cybercrime prevention and investigation for their role and will have other duties to conduct. Police Scotland do not record how much of a shift each officer dedicates to each enquiry and so it is not possible to collate what proportion of work conducted by local officers would need to be included in expenditure figures. Simply, we do not record the information required at a level which would allow your request to be answered.

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.

To be of assistance, I have provided a link below where you may find some relevant information:

<https://www.spa.police.uk/about-us/budget-and-finance/>

2. Whether Police Scotland is has recruited any a) officers and b) staff responsible specifically for cyber-crime investigation in each of the last five years

I can advise that Police Scotland have no record of any job adverts being posted in relation to cybercrime investigation in the last 5 years. As noted above in my answer to question 1, local territorial divisions do also employ officers in relation to cybercrime but as they may not be specifically dedicated to this single role and you have asked for those responsible specifically for cybercrime investigation, they have not been considered for this question.

3. How many specialist a) officers and b) staff are currently employed by Police Scotland to specifically investigate or support the investigation of cyber-crime.

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The requested information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

The exemptions that I consider to be applicable to the information requested by you are:

Section 35 (1) (a) & (b) – Law Enforcement

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders. If the details of Police Scotland's cybercrime resourcing was disclosed, experience has shown that it would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. It would allow criminals to plan how best to engage or occupy existing police resources in an effort to maximise their chances of committing serious crime, therefore harming the efficient and effective conduct of the service.

Such information would prove extremely useful information for persons involved in criminality as they would be able to plan and conduct their activities to avoid detection. It would confirm the resources available in a specialised area of policing, which would allow those intent on wrong doing to judge the police response to a variety of incidents. In turn this would prejudice substantially the ability for our officers to prevent and detect crime and apprehend or prosecute offenders.

Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively, and thereby prejudice substantially the prevention and detection of crime.

This is a non-absolute exemption and requires the application of the public interest test.

Section 39(1) – Health, safety and the environment

Disclosure of the information requested would prove extremely useful for criminals and those intent on wrongdoing, to estimate the level of cybercrime resources deployed by the Police and would assist them in circumventing the efficient and effective provision of law enforcement by the police service, which in turn would have an adverse impact on the safety of the officers involved and the general public.

This would increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

This is a non-absolute exemption and requires the application of the public interest test.

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Public Interest Test

As you will be aware, the two exemptions detailed above are non-absolute and require the application of the public interest test. Public awareness would favour a disclosure as it would contribute to the public debate surrounding the use and deployment of unit and vehicle resources by the Police, particularly specialist vehicles.

I would, however, contend that the efficient/effective conduct of the service and public safety favours retention of the information as it cannot be in the public interest to release information that would prejudice law enforcement or which is likely to have an adverse impact upon public safety.

4. If it does not currently do so, whether Police Scotland a) has plans to and b) is able to recruit specialist desk staff alongside uniformed officers to investigate cyber-crime

a. If unable to recruit such specialist desk staff, please indicate why is the case

I can confirm Police Scotland employs both Police Officers and Police Staff within our Cybercrime Division. This part of your request is therefore not applicable.

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 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.