| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0531  Responded to: 21 March 2023 |
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Your recent request for information is replicated below, together with our response.

To provide some general context, Police Scotland defines a **hate incident** as ‘*any incident which is perceived by the victim or any other person to be motivated (wholly or partly) by malice and ill-will towards a social group but which does not constitute a criminal offence*.’

Police Scotland defines a **hate crime** as, ‘*any crime which is perceived by the victim or any other person, to be motivated (wholly or partly) by malice and ill-will towards a social group.*’

Social groups are identified in accordance with the Lord Advocates guidelines on Aggravations of Offences against Prejudice i.e. race, sexual orientation, religion/faith, disability or transgender identity.

## How many people have been placed on databases because they expressed a view on transgender issues?

In terms of Section 17 of the Act, I can confirm that the information you seek is not held by Police Scotland.

By way of explanation Police Scotland do not record data relating to members of the public expressing their personal opinion regarding any matter.

Should the expressed view or activity be considered a criminal offence then the appropriate action, depending on the circumstances would be taken.

## How many people have you requested to come in for an interview in relations to a comment they have made in regards to transgender issues?

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, Police Scotland do not routinely record when members of the public are requested to attend for interview. However it may be the case that an individual officer may record details of interviews within their personal notebook. As such, in order to determine if any interviews took place, specifically in relations to comments made regarding transgender views each officer notebook would need to be manually examined to determine if any such record information exists.

Police Scotland have an excess of 16,000 officers. A highly conservative estimate it is that it would take 10 minutes to examine a single notebook, this equates to an excess of 2,666 hours.

Ordinarily at this point I would suggest methods to refine your request in order to provide you with some of the data you require however due to the volume of notebooks even significantly reducing the area search to divisional level or to station level would unlikely to prove useful as the area would have to be so small that it would negate any meaningful results.

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.

## How many people have been charged with committing a criminal offence or a non-crime hate incident in relation to a comment they have made in regards to transgender issues?

It is worthy of note that the figures provided relate to crimes and incidents recorded as being aggravated by transgender prejudice. Victims of hate crimes/incidents do not have to be a member of any of the protected groups in order to be a victim. For example, an individual who is the victim of a transphobic incident does not have to be transgender, or disclose their transgender identity, for this to be perceived, recorded and investigated as a hate related incident.

Please see the table below, this table provides the number of detected hate crimes that have a Transgender aggravator. Please note the caveats at the bottom of the table.

Detected Transgender Aggravator Hate Crimes between 01 April 2014 and 28 February 2023\*.

| Year | Crimes with Transgender Aggravator |
| --- | --- |
| 2014/2015 | 24 |
| 2015/2016 | 28 |
| 2016/2017 | 34 |
| 2017/2018 | 52 |
| 2018/2019 | 51 |
| 2019/2020 | 76 |
| 2020/2021 | 48 |
| 2021/2022 | 95 |
| 2022/2023\* | 85 |

All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 8th March 2023.

1. The data was extracted using the crimes detected date; and extracted from iVPD by selecting hate crimes which included at least one 'Transgender' aggravator. Please note, other aggravators (hate crime and not hate crime related) may also be attributed to the hate crime.

Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD.  When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy.  Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months.

Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site ([Police Scotland - Records Retention Standard Operating Procedure](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/june/21-1479-sop-records-retention/)).

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.