

Our Ref: IM-FOI-2022-2695
Date: 29 December 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.

Please can you provide the number of complaints made under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 where the intimate photograph or film has been altered in terms of section 3, i.e where the photograph or film is a so called "deep fake".

In response to your request, I would like to clarify that Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 became effective on 3 July 2017.

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.

I can advise you in relation to whether an image has been altered, this cannot be electronically extracted and each record would have to be examined. Therefore in accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, the information you have requested would be recorded in the content of a crime report and cannot be electronically extracted. The only way to provide this information would be to physically examine each of the crime reports and extract any relevant information.

To illustrate, the most recent published figures show that for the 2021/22 financial year, there were 912 recorded crimes of Threatening/Disclosure of intimate image. As such, given the volume of reports just for this one year, this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

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You can access our published crime statistics via the following link: [How we are performing - Police Scotland](#) - Group 2 offences.

Should you require any further assistance please contact Information Management - Dundee at foidundee@scotland.police.uk 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.

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