

Our Ref: IM-FOI-2022-2264  
Date: 16<sup>th</sup> November 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. Number of reports of revenge porn (publishing of sexual images without consent) for each calendar year from 2017 to present day (2022) across Scotland.**

I must firstly ask you to note that Police Scotland does not use the term “Revenge Pornography” but instead refers to Non-Consensual Sharing of Intimate Images which is legislated by Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 as defined by the Scottish Government Justice Department Crime Classification Codes.

Police Scotland agree with survivors who say the term “Revenge Porn” trivialises their experiences – it makes them feel as if they have done something wrong to justify an act of revenge. The focus on ‘porn’ encourages victim blaming in that they should not have taken or allowed the videos or pictures to be taken. It should also be noted that the intimate images may not be considered pornographic in nature.

Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 became effective on the 3rd July 2017.

Recorded and Detected crime statistics regarding Non-Consensual Sharing of Intimate Images are publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, 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.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available on the Police Scotland website, broken down into council area, via the following link:

[How we are performing - Police Scotland](#)

**2. Number reports of creating and sharing deepfake pornography for each calendar year from 2017 to present day (2022) across Scotland.**

In response to this question, 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, crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes and there is no corresponding classification relevant to your request.

Such behaviour could be recorded under a number of different crime classifications depending on the circumstances and the only possible way to provide an accurate response to your request, would be to individually examine each and every potentially relevant offence - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

Should you require any further assistance please contact Information Management Dundee, 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.

**OFFICIAL**

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.