

**OFFICIAL**

Our Ref: IM-FOI-2022-0528  
Date: 17 March 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.

**Follow up to 22-0179:**

**Thank you for the clarification. I can understand that if all the records are not held in a database centrally then this would take a lot of time (expense) to pull together.**

**With that in mind can we reduce the scope of the initial request only to the legacy systems that include the capability to include a cyber marker for 2020 & 2021?**

**If that information is possible to retrieve within the expense limit can you also add the details of which of the legacy systems / old forces it was from?**

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, even if we used the cyber flag to pull back crime reports in some legacy areas, we have no way of establishing whether the victim was a business or Scottish business specifically without case by case assessment of each report. Therefore, given the amount of reports this is an exercise which would far exceed the cost limit set out in the Fees Regulations.

Unfortunately we can see no way in which your request can be meaningfully refined in order to bring it within cost limits.

Should you require any further assistance please contact Information Management - Dundee on [foidundee@scotland.pnn.police.uk](mailto:foidundee@scotland.pnn.police.uk) quoting the reference number given.

**OFFICIAL**

## OFFICIAL

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.pnn.police.uk](mailto:foi@scotland.pnn.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.

OFFICIAL