

Our Ref: IM-FOI-2022-0628  
Date: 29<sup>th</sup> 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.

**The information I am requesting concerns figures from your constabulary/force. As such could you please provide the following separately for the years 2016-2017, 2017-2018, 2018-2019, 2019-2020 and finally 2020-2021.**

**I am requesting for the above mentioned years, separately and itemised:**

- 1. Total number of Rape allegations reported.**
- 2. Total number of arrests made in connection with the allegations of Rape.**

Please be advised that statistics regarding recorded and detected Rape Offences 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, via the following link:

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

- 3. Total number of individuals either charged or remanded from Rape allegations.**
- 4. Total number of alleged Rapists who have been linked/accused previously and if possible the number of times they have been separately accused.**

In response to these questions, 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, case by case assessment of all Rape offences would require to be carried out to establish the outcome beyond 'detected' and also to establish the Accused's offending history.

As illustrated by our published statistics above, this would involve individually examining thousands of reports - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

- 5. Total number of convictions from those either charged or convicted in relation to Rape allegations.**

Police Scotland does not hold conviction information. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may wish to contact the Crown Office and Procurator Fiscals Service (COPFS) which holds conviction information for Scotland. A request can be submitted to COPFS via email using the following address [foi@copfs.gsi.gov.uk](mailto:foi@copfs.gsi.gov.uk)

- 6. Total number of Rape allegation cases that your force did not present to the Crown Prosecution Service.**
- 7. Total number of Rape cases that the Crown Prosecution Service pursued but the alleged victim dropped the charges.**

Police Scotland does not report cases to the Crown Prosecution Service (CPS). In Scotland, the Crown Office and Procurator Fiscals Service (COPFS) is the relevant body.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may wish to contact the COPFS for information relating to cases prosecuted/ not proceeded with.

## OFFICIAL

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.

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.

