| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-3264Responded to: xx January 2024 |
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Please, first of all, accept my sincere apologies for the delay in providing a response to your request.

Your recent request for information is replicated below, together with our response.

## For the period 24th February 2022 to 23th February 2023 and for the period 24th February 2023 to 19th December 2023;

## 1) The number of race hate crimes recorded where the victim’s nationality was Ukrainian

## 2) A brief description of each crime listed in your answer to question 1 (i.e. the details written in the MO field of the crime report)

**Then, for each calendar year 2020 and 2021, please could you tell me:
5) The number of race hate crimes recorded where the victim’s nationality was Ukrainian
6) A brief description of each crime listed in your answer to question 5 (i.e. the details written in the MO field of the crime report)**

I can first of all advise you that nationality is not a protected characteristic for Hate Crimes.

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.

I can also advise you that with regard to Race Hate Crimes, consideration was made into obtaining the nationalities of those victims. However, given the volume of these crimes and that each would have to be reviewed, we would be unable to provide a response within cost and Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) would apply.

You may be interested in our Performance Reports publications which details information regarding Hate Crimes: [How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/).

## For the period 24th February 2022 to 23th February 2023 and for the period 24th February 2023 to 19th December 2023;

## 3) The number of reported crimes which mentioned  "Ukraine" or "Ukrainian" in the MO field of the crime report

In response, I can provide that between 24 February 2022 and 23 February 2023 there were 17 crimes recorded and between 24 February and 19 December 2023 there were 18 crimes recorded.

**Then, for each calendar year 2020 and 2021, please could you tell me:
7) The number of reported crimes which mentioned  "Ukraine" or "Ukrainian" in the MO field of the crime report**

2020:1

2021:1

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 18/1/2024.

The data was extracted using the crime's raised date.

Keyword search was carried out for '%UKRAIN%' within the Crime's MO Text field to identify the relevant records.

## 4) A brief summary of each reported crime listed in your answer to question 3 (i.e. the details written in the MO field of the crime report)

**8) A brief summary of each reported crime listed in your answer to question 7 (i.e. the details written in the MO field of the crime report)**

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with details of these crimes.

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.

The information requested is held and the exemptions applicable are as follows:

**Section 34(1)(b) – Investigations by a Scottish public authority and proceedings arising out of such investigations**

Information is exempt information if it has at any time been held by Police Scotland for the purposes of an investigation which may lead to a decision to make a report to the Procurator Fiscal to enable it to be determined whether criminal proceedings should be instituted.

**Section 35(1)(b) – Law enforcement**

Information is exempt information if its disclosure would, or would be likely to, prejudice substantially the prosecution of offenders.

This information is held for policing purposes and disclosure of the requested information could hinder law enforcement or live investigations.

**Public Interest Test**

The public interest factors favouring disclosure surround the release of accurate information into the public domain for the awareness of the public and accountability for policing. Those favouring retention of the information surround the efficiency of the police service when policing events such as this and public safety.

In this instance, the balance of the public interest test favours retention of the information requested as it cannot be in the greater public interest to compromise the efficiency of the service and public safety at such events.

**Section 38(1)(b) of the Act - personal information.**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

*‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’*

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met.

The only potentially applicable condition is set out at Article 6(1) (f) which states:

*‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.*

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject(s).

To be of assistance, I can provide the following breakdown of the crimes recorded:

Accident Offences: 1

Computer Misuse Act 1990 (unauthorised access only):1

Domestic Abuse (of female): 1

Forgery and Uttering - excluding Currency offences: 2

Fraud - Including Statutory Fraud: 7

Minor Assault: 1

Racially aggravated conduct: 7

Theft not elsewhere classified - excl motor vehicle: 5

Threatening or abusive behaviour: 5

Vandalism: 7

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 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 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.