

Our Ref: IM-FOI-2022-0862  
Date: 21 April 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.

**A full disclosure of any and all complaints or incidences of the Police Service of Scotland targeting, harassing harming or intimidating directly or indirectly -**

- A) The Defendant.**
- B) Criminal Defence Council.**
- C) Defence Witnesses.**

**Since the day the force was founded to today's date.**

In response to this request I would first of all remind you that as explained in various recent responses, we can only provide information about Complaints Against the Police based on the various recording categories in use.

I would refer you to appendices G & H of the [Complaints About the Police SOP](#) for further information.

It is assessed that behaviour of the type described of your request could be recorded in terms of a number of categories - for example 'oppressive conduct/ harassment', 'incivility', 'assault', 'excessive force' or a criminal allegation of 'attempt to pervert'.

In terms of our section 15 duty to advise and assist applicants, I would urge you to refer to that document and if there is a particular category you are interested in then to include it in any further requests.

Notwithstanding the above, there is no facility whereby the Complaints recording system can be searched on the basis of the complainant being a defendant, defence counsel or a defence witness.

Such detail, if it were recorded, would only be recorded in the body of associated records to each complaint file.

On that basis, I regret to advise 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.

## OFFICIAL

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.

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