

Our Ref: IM-FOI-2022-1024
Date: 20th May 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. The number of people who have been arrested or cautioned for driving off from petrol stations without paying for fuel from January 1 to May 1 this year.**
- 2. A breakdown of each incident with how much fuel (value in pounds) they had stolen in each instance**
- 3. The number of people who were arrested or cautioned for driving off from petrol stations without paying for fuel during the same period, January 1 to May 1, for the years 2018,2019, and 2020.**

Prior to responding to your request I must first of all advise you that your request has been interpreted as seeking recorded and detected crime data.

A caution in Scotland has a different meaning to that in England and Wales.

In England and Wales, the term relates to a formal police warning.

In Scotland a caution is common law, used when interviewing a suspect, taking a statement from someone who may end up being an accused person, or when charging someone.

The caution is simply informing that person of their rights.

Having considered your request in terms of the above Act, 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.

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By way of explanation, the crime recording systems used by Police Scotland have no facility whereby the type of property stolen can be easily extracted, nor is there a facility which allows for a search to be carried out by nature of the property stolen.

As such, the only way to provide an accurate response to your request would be to carry out case by case assessment of all Theft offences for the time period requested.

As illustrated by our [published statistics](#), this would involve individually examining thousands of crime reports - 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 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 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.