| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1402  Responded to: 04 June 2024 |
| --- | --- |

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

**Is it a criminal offence in Scotland for any adult or child to film or photograph any other adult or child while they are both outside in the public domain and specifically in school grounds or near school grounds when the photograph/film footage is taken and using aggressive behaviour to obtain said footage with the intent and in the effort of recording the adult or child committing a crime so that police may have such images for evidential purposes to effect an arrest of the adult or child who committed the crime at a later date. Or indeed for journalistic purposes. Without or against the consent of the person subject of the image/footage regardless of age.**

The information sought is not held by Police Scotland and section 17 of the Act therefore applies. As you may be aware, the Freedom of Information (Scotland) Act 2002 provides a right of access to recorded information only. We are unable to offer comment or opinion on particular matters other than where those are already specifically captured - for example in force guidance or policy documents.

If you feel that a crime may have been committed, please call 101 to report the matter.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@itspublicknowledge.info) 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.