

Our Ref: IM-FOI-2022-1477
Date: 28th July 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.

Please could you provide the numbers of reported cases and outcomes for Disclosing, or threatening to disclose, an intimate photograph or film (under section 2 of Abusive Behaviour and Sexual Harm (Scotland) Act 2016

<http://www.legislation.gov.uk/asp/2016/22/part/1/crossheading/disclosure-of-an-intimate-photograph-or-film/enacted>) for the years 2021 where the victim is 18 or over. Also for Voyeurism (under section 9 of Sexual Offences (Scotland) Act 2009 - <http://www.legislation.gov.uk/asp/2009/9/section/9>) under the same conditions for:

- **Cases of the crimes and subsequent outcomes:**
 - **Arrests**
 - **Cautions given**
 - **Offenders charged and number of charges**
 - **Community resolution**
 - **Cases marked No Further Action**

I must first of all advise you that I am unable to provide you with any crime data in terms of the outcome classifications listed above, as they are Home Office Classifications which are not used in Scotland.

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.

Crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes and we could provide data on all recorded and detected crimes, **but** it would not be possible to do so for over 18s only.

This is due to the large volume of crime reports that would need to be individually examined to establish the age of the victim. In the 2021/22 period, there were 912 recorded crimes alone.

Carrying out case by case assessment of each of these crimes would be an exercise that would far exceed the £600 cost limit set out in the Fees Regulations and as such, Section 12(1) of the Act (Excessive Cost of Compliance) would apply.

Should you require any further assistance please contact Information Management Dundee, quoting the reference number given.

OFFICIAL

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.