

**OFFICIAL**

Our Ref: IM-FOI-2022-0012  
Date: 17<sup>th</sup> February 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.

**I'd like to request information in relation to hate crimes perpetrated against gay men in Scotland from 2015 until present.**

**Specifically I'd like to request the these are broken down year by year and into three categories; violence, threats of violence and intimidation/verbal abuse/harassment.**

In response to your request, I regret to inform you that I am unable to provide you with all of 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.

By way of explanation, the hate crime data relating to offences against gay men is not held under the categories requested. As such, in order to determine the data required each recorded instance would need to be manually examined to determine which category it would sit within. As you can see from the table below there are 3,911 Hate concern incident nominals. I estimate that it would take approximately 5 minutes to assess a single record, this would equate to over 325 hours of work, and greatly exceed the time threshold set out within the Act.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

However, in order to be of assistance I have provided the table below which shows the number of men affected by hate crime regarding sexual orientation. I would ask that you note the caveats below the table. It is worthy of note that the Hate Concern nominals are considered to be those who have been affected by an incident and therefore this count does not necessarily contain solely victims. The nominals themselves may not identify as "gay" or "male" but have been added to the count due to the crime type.

**OFFICIAL**

**OFFICIAL**

As with our original answer, in order to return only victims, a manual check of each hate concern incident would be required and again this would exceed the cost limit within the Act.

You may wish to consider requesting information for a smaller time period which may allow some information to be provided.

**Title: Sexual Reasons Hate Concern Incident Nominals (where the Hate Reason is "Gay", and Incident Nominal is "Male"), Linked to Sexual Orientation Hate Crimes, Police Scotland <sup>1,2,3,4,5</sup>**

**Period: 1st January 2015 - 6th January 2022**

<b>Calendar Year</b>	<b>Hate Concern Incident Nominals</b>
2015	201
2016	256
2017	331
2018	374
2019	802
2020	979
2021	958
2022*	10
<b>TOTAL</b>	<b>3911</b>

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 18th January 2022.

1. For the Table, the data was extracted using the incident's raised date and relates to all Sexual Reason Hate Concern incident nominals.
2. The table relates to Sexual Reason Hate Concern incident nominal, where the reason is "Gay" and the nominal is recorded as "Male".
3. Please note, that multiple sexual reasons can be attributed to a hate concern incident nominal. The table provides a count of incident nominals, not hate concerns.
4. Once the incident nominals were identified, those incident nominals linked to an incident involving at least one hate crime with a sexual orientation aggravator were then selected. The table displays a count of the identified incident nominals.
5. Please note, each record would need to be read to confirm the circumstances, and the incident nominals involvement within the incident. Please note, the identified incident nominals may not be a victim of a hate crime.

Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD. When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy. Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months

Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site (<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/june/21-1479-sop-records-retention/>).

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.police.uk](mailto: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.

## OFFICIAL

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.