

Our Ref: IM-FOI-2022-1814
Date: 7th September 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.

> Number of reports of revenge porn made each year since 2015

I must firstly ask you to note that Police Scotland does not use the term “Revenge Pornography” but instead refers to Non-Consensual Sharing of Intimate Images which is legislated by Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 as defined by the Scottish Government Justice Department Crime Classification Codes.

Police Scotland agree with survivors who say the term “Revenge Porn” trivialises their experiences – it makes them feel as if they have done something wrong to justify an act of revenge. The focus on ‘porn’ encourages victim blaming in that they should not have taken or allowed the videos or pictures to be taken. It should also be noted that the intimate images may not be considered pornographic in nature.

Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 became effective on the 3rd July 2017.

Recorded and Detected crime statistics regarding Non-Consensual Sharing of Intimate Images are publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

The information you are seeking is available on the Police Scotland website, via the following link:

[How we are performing - Police Scotland](#)

...including the age of the victims.

> Result of these reports - how many reported offences resulted in the alleged perpetrator being charged, cautioned or handed a community resolution?

> Number of times Instagram, Facebook, Snapchat and TikTok are named in a report for revenge porn each year since 2015?

In response to the above questions, 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.

By way of explanation, the crime recording systems used by Police Scotland have no facility whereby this level of information can be automatically retrieved.

The only possible way to establish the requested details would be to carry out case by case assessment of all crime reports for the time period requested. For the 2021/22 period alone there were 912 recorded crimes, each of which would have to be individually reviewed.

As such, this is 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.

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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.

