| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 25-3264Responded to: 10 October 2025 |
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## Your recent request for information is replicated below, together with our response.

**For the most recent 12-month period for which data is available, please provide:**

1. **The total number of arrests made by your force for offences involving online or social media communications. For the purposes of this request, please include arrests recorded under:**
* **Section 127 of the Communications Act 2003**
* **The Malicious Communications Act 1988**
* **Relevant sections of the Public Order Act 1986 (including “stirring up racial or religious hatred”)**
* **The Crime and Disorder Act 1998 where a hate crime “aggravation” was applied**
* **The Terrorism Act 2006 where arrests involved online/social media activity**
* **Any other communications-related arrest categories your force uses for online posts (including harassment or stalking via social media).**
1. **Of those arrests, how many were flagged as hate crimes.**
2. **Of those hate-crime-flagged arrests, please provide a breakdown by the religion targeted (e.g. antisemitic, Islamophobic, anti-Christian, anti-Hindu, anti-Sikh, etc.), using the categories recorded by your force.**

The Criminal Justice (Scotland) Act 2016 removed the separate concepts of arrest and detention and replaced them with a power of arrest without warrant - where there are reasonable grounds for suspecting a person has committed, or is committing, an offence.

When a person is arrested, a statement of arrest should be read over as soon as reasonably practicable, and details recorded in the arresting officer’s notebook.

A person is ‘Not Officially Accused’ (a suspect) when arrested *and* *not* cautioned and charged. They are ‘Officially Accused’ once arrested *and* cautioned and charged.

If conveyed to a police station, the arrested person will have their details recorded in our National Custody System.

There are situations however whereby a person must be released from police custody prior to their arrival at a police station - effectively they are ‘de-arrested’ - where the reasonable grounds for suspicion no longer exist. In those circumstances, the details of an arrested person are not held electronically.

As a result, we are unfortunately unable to collate comprehensivearrest data, as case by case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System.

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

For the reasons outlined above, Police Scotland do not collate data on arrests.

Instead, data is compiled and published based on recorded and detected crimes - [Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/).

Detected crimes are those where an accused has been identified and there exists a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings.

However, we have no means of identifying any crime report on the basis that it had an online or social media element specifically.

Notwithstanding the above, not all of the legislation referred to above extends to Scotland.

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 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 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.