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Our Ref: IM-FOI-2022-1798
Date: 21st 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.

I'm looking for information on the use of the cyber-kiosk.

Are you able to say which of the Cellebrite products you have? Which models? How many and where each is deployed?

Having considered this question, I must respond in terms of Section 16 of the above Act, when refusing to provide such information because the information 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. The exemption applicable to the information is as follows:

Section 35(1)(a)&(b) – Law Enforcement
Section 39(1) – Health, safety and the environment

Section 35(1)(a)&(b) – Law Enforcement

The information requested is exempt, as its disclosure would or would be likely to prejudice substantially the prevention or detection of crime and apprehension or prosecution of offenders. If the details of which models, products and software are in use were disclosed, experience has shown that it would allow those intent on committing crime or causing disorder to gauge the likelihood of detection or to take measures to negate the likelihood of detection. It would allow criminals to plan how best to evade their data being retrieved and therefore maximise their chances of committing serious crime, therefore harming the efficient and effective conduct of the service.

Such information would prove extremely useful information for persons involved in criminality as they would be able to plan and conduct their activities to avoid detection. In turn this would prejudice substantially the ability for our officers to prevent and detect crime and apprehend or prosecute offenders.

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Disclosure would have an adverse impact on the ability of the Police to carry out its law enforcement role effectively, and thereby prejudice substantially the prevention and detection of crime.

This is a non-absolute exemption and requires the application of the public interest test.

Section 39(1) – Health, safety and the environment

Disclosure of the information requested would prove extremely useful for criminals and those intent on wrongdoing, to estimate the level of units and vehicle resources deployed by the Police and would assist them in circumventing the efficient and effective provision of law enforcement by the police service, which in turn would have an adverse impact on the safety of the officers involved and the general public.

This would increase the risk to the personal safety of individuals and also the safety of the police officers responding to incidents.

This is a non-absolute exemption and requires the application of the public interest test.

Public Interest Test

As you will be aware, the two exemptions detailed above are non-absolute and require the application of the public interest test. Public awareness would favour a disclosure as it would contribute to the public debate surrounding the use and deployment of unit and vehicle resources by the Police, particularly specialist vehicles.

Accordingly, I would argue that the need to ensure the efficient and effective conduct of the service favours non-disclosure of the information requested and on balance is significantly in the public interest. I cannot identify any corresponding viewpoint in disclosing the requested information and therefore the exemptions are upheld.

I must advise you that it is doubtful it could ever be in the public interest to disclose information which would jeopardise the delivery of policing and the safety of individuals and prejudice the prevention or detection of crime.

To be of some assistance however, please find a link below to our Internet Page which includes information on the number and location of kiosks deployed without the requested breakdown by product/model.

<https://www.scotland.police.uk/about-us/what-we-do/specialist-crime-division/cybercrime-investigations-and-digital-forensics/cyber-kiosks/>

Are you able to say how often the kiosks have been used for each month since January 2020 until the present date?

Are you able to say how many of those searches have been positive? Are you able to give more detail on the reasons behind each search?

In relation to how often kiosks have been used and the number of searched that were positive please find the requested information in the table below. I would ask you to note the caveats provided.

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Year by Month	Kiosk Examination Requests completed^{1,2}	Number of Positive Cases³
2020		
January	2	2
February	25	7
March	15	6
April	29	7
May	48	13
June	56	20
July	37	15
August	60	15
September	90	27
October	112	47
November	211	52
December	164	38
2021		
January	159	50
February	155	55
March	163	53
April	218	56
May	253	78
June	154	32
July	155	34
August	156	39
September	294	63
October	242	69
November	201	45
December	161	37
2022		
January	196	57
February	163	40
March	224	75
April	207	47
May	217	62
June	211	50
July	179	48
August	222	72

1. Digital Triage Devices (Kiosks) were rolled out between January and August 2020.

2. An examination request form is completed prior to a device being examined on a Kiosk machine. This is the number of completed forms.

3. This column is subset of number of completed examination forms, where it was indicated that the result of the search was positive.

In relation to more details in relation to the reasons behind each positive search 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.

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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, it is highly likely that a number of the positive searches returned will relate to ongoing criminal cases. As the database which holds the number of positive searches does not hold the status of each associated crime or case, each would need to be manually checked which is likely to involve checking details with individual enquiry officers.

In this case 1,311 cases would need to be manually checked. At a conservative estimate of 10 minutes per record, this equates to over 218 hours of work to provide the information requested.

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.

Whilst I would normally suggest a revised timescale is considered, even taking the single most recent year would involve 611 cases being checked at an estimated time of over 101 hours.

Can you release any evaluation or internal correspondence about the kiosk?

In relation to evaluations I can advise that we do not have any reports where the Digital Triage Device usage has been evaluated. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

In relation to internal correspondence, if I start off by just looking at the email aspect of your request, 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, we have previously attempted to conduct similar keyword searches to the one that would be required. In this case a search for emails containing the phrases "cyber kiosk", "cyber-kiosk", "celebrite" etc would be required.

Despite extensive efforts to retrieve emails requested by keyword it has become clear that whilst we do have the facility to conduct a keyword search but we do not have the facility to limit this to a particular date range.

This means that any mention of the keywords on any date would be returned. These are returned as individual full mailbox archive files for each mailbox that contains these keywords.

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Once these archives are retrieved, a manual process is required to confirm which emails within each file contain the keyword required and whether it was internal correspondence to Police Scotland. This is further complicated by the fact that we will simply know there is at least one email within the mailbox archive that contains the keyword. There could be 1 or 100 and so each email would need to be manually checked.

During previous similar keyword requests we have conducted a rough estimate using one of our divisions (A Division) which accounts for a bit over 1,300 mailboxes. It was estimated that 100-200 of these may contain the keywords requested. If this is extrapolated across our other divisions this would give us a rough estimate of 2,400 to 3,600 mailbox files to review but it is expected this number may be higher due to the relative size of some of our divisions.

At an average estimate of 30 minutes to check each mailbox file concerned, this equates to around 1,200 to 1,800 hours of work to complete.

This is before we consider a review of all other correspondence such as files/notes/minutes etc held by Police Scotland which would again require a degree of manual searching. It is likely a full check of all documents held by the force would add thousands of additional hours to the time it would take to comply with the request.

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

In order to be of assistance, you may wish to consider reducing the scope of your request to emails only and to a group of mailboxes or staff which may allow it to be progressed.

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 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.