| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0968  Responded to: 28 May 2024 |
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Your recent request for information is replicated below, together with our response.

## Does the hate crime law only affect material published or comments made and viewed/heard in Scotland;? or if not;

Police Scotland only have jurisdiction for crimes and offences committed in Scotland. If someone publishes a pamphlet outside of Scotland, we have no jurisdiction over that.  It would only be if it was distributed in Scotland and then the distributer would be the one committing the offence in Scotland – within our jurisdiction.

## If material is produced outside of Scotland online, which passes the high thresold of it being a hate crime and it is viewed by a person in Scotland would the person who published that material be subject to potential arrest or a fine by Scottish police? And would Scottish police have an English person taken to Scotland for prosecution or would a non UK national be subject of an extradition request to their government? Or would they be arrested if they ever visited Scotland in the future?

The procedure for crimes reported to police in Scotland which happen out with our jurisdiction are published in the Scottish Crime Recording Standard. <https://www.gov.scot/publications/scottish-crime-recording-standard-crime-recording-counting-rules/>

and with specific to extradition, information can be found here <https://www.gov.uk/guidance/extradition-processes-and-review>

## Does this law apply to material only created after April 1st 2024 ? If not;

Yes, this is correct.

## and the law applies to material also before April 1st 2024, then how will books, films, tweets verbal comments made by persons many years ago be treated?

This legislation only applies after 1st April 2024.

## Is it correct that comments or material shared in a persons own household could be considered as a reportable hate crime? eg could a minor under the age of 18 years old report their own parents or other family or friends to the police?

The commission of any crime is reportable to police.

## How are police Scotland going to find the resources to investigate every single complaint when they have already said they do not have enough resources to investigate crimes like theft,etc?

I can advise that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, this question is asking for an opinion whereas Freedom of Information only provide recorded information.

However to be of assistance I have provided a link below which provides data relating to online hate reports.

<https://www.scotland.police.uk/advice-and-information/hate-crime/hate-crime-data/>

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@itspublicknowledge.info) 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.