

Our Ref: IM-FOI-2022-0119
Date: 31st January 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.

This request is made for all periods to include each and every month (where possible) of the years:

- 2017-2018
- 2018-2019
- 2019-2020
- 2020-2021

- 1. The number of habitually resident children removed from Scotland by a parent (in absentia of an Order removing or diminishing the parent's Parental Rights and Responsibilities)**
- 2. The number of referrals made to the Scottish Central Authority for a return order of children under Article 12 of the Hague Convention (1980)**
- 3. The number of said children who were classified by Police Scotland as missing persons.**
- 4. The number of habitually resident children taken from Scotland by a parent who have been returned to Scotland after being classified as missing persons.**

In response to these 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 recording systems used by Police Scotland have no facility whereby this level of information can be automatically retrieved.

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The only way to provide an accurate response to your request would be to firstly individually examine all cases held by our International Unit to establish the circumstances and determine whether they were similar to those outlined in your request.

Those relevant cases would also then have to be cross referred with Missing Persons cases, which would also all require to be individually examined.

This exercise would involve case by case assessment of thousands of cases, each containing multiple emails, files and folders, and as such, this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

5. The number of said missing children who have been escalated to Interpol involvement by Police Scotland via the National Central Bureau requesting issue of a Yellow Notice

All notifications and circulations are submitted to National Crime Agency (NCA) for their consideration to disseminate via coloured notices facilitated by Interpol.

The NCA facilitate all diffusions and notices on behalf of all UK forces and they ultimately make the decision as to how they will proceed, or indeed if they are escalated to Interpol.

Unfortunately, as mentioned above, there is no facility available which allows for the automatic retrieval of this information.

Case by case assessment of all files held by our International Unit would be required to allow us to establish the circumstances, whether a referral was submitted to the NCA and what the outcome was - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

As such, Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

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.pnn.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.

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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.