| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0483  Responded to: 24 March 2025 |
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Your recent request for information is replicated below, together with our response.

## At the end of Police Scotland’s rape campaign published on 30th August 2019 on YouTube https://youtu.be/GOvmWBWTZgE Assistant Chief Constable for Major Crime and Public Protection of Gillian MacDonald said “Our message is really clear - get consent or otherwise it’s likely to be rape.”

## (1) How is it possible to “get consent” prior to having sex in Scotland?

## (2) Would an audio recording of verbal consent prior to having sex be admissible in court to prove a rape allegation to be false?

## (3) If both parties signed a consent form prior to having sex would this be admissible in court to prove a rape allegation to be false?

As you may be aware, the Freedom of Information (Scotland) Act 2002 provides a right of access to recorded information only. Section 8 of the Act states that for a request to be valid, an applicant must describe the information requested - which is not the same as asking for a statement to be created in response to a particular matter.

Therefore, we are unable to offer any comment as regards the matters set out above, as such, the information requested is not held, and section 17 of the Act applies.

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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.