| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0114  Responded to: 12 February 2024 |
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Your recent request for information is replicated below, together with our response.

**(1) For the year 2021 (1st January 2021 to 31st December 2021), please state how many Subject Access Requests were received by this police force.**

## Please also provide the following breakdown:

1. **How many Subject Access Requests received in 2021 were responded to within one calendar month?**
2. **How many Subject Access Requests received in 2021 were responded to after one month but with an extension permitted under Article 12(3) of the UK GDPR?**
3. **How many Subject Access Requests received in 2021 were responded to after the one calendar month deadline but without an extension permitted under Article 12(3) of the UK GDPR?**
4. **Out of those Subject Access Requests received in 2021 that were responded to beyond the one calendar month deadline, how many were answered (i) after three calendar months (ii) after six calendar months**

In 2021, Police Scotland received 5,900 subject access requests (SARs).

Compliance with the calendar month period is assessed based on a deadline date assigned to each request.

465 requests were responded to later than the assigned deadline, and therefore outwith the statutory calendar month period.

The vast majority of Police Scotland SARs are the exercise of rights afforded by section 45 of the UK Data Protection Act 2018 - not the GDPR.

To explain, that legislation provides a right of access - almost identical to Article 15 of GDPR - but to Law Enforcement information specifically.

One of the key differences between the two provisions is that there is *no* extension provision for Law Enforcement SARs - the period is always a calendar month.

Where people request, for example, a copy of their criminal record, a list of times they have called the police about their neighbour etc, those are Law Enforcement SARs.

Our GDPR SARs are therefore relatively rare - typically concerning employment matters etc - and as such, we have no specific provision within our recording system to identify them, or specifically those where an extension was applied.

In practice, we would manually override the deadline date accordingly.

We would have to look at the revision history for each SAR to ascertain whether this had taken place and, as such, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to provide data regarding the application of any extensions.

I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

To be of assistance, I can provide you with the following breakdown of the 465 ‘late’ requests in terms of the period beyond the deadline in which they were answered:

1 - 31 Days - 384

32 - 62 Days - 52

63 - 93 Days - 10

+ 94 Days - 19

**(2) For the year 2022 (1st January 2022 to 31st December 2022), please state how many Subject Access Requests were received by this police force. Please also provide the following breakdown:**

1. **How many Subject Access Requests received in 2022 were responded to within one calendar month?**
2. **b) How many Subject Access Requests received in 2022 were responded to after one month but with an extension permitted under Article 12(3) of the UK GDPR**
3. **How many Subject Access Requests received in 2022 were responded to after the one calendar month deadline but without an extension permitted under Article 12(3) of the UK GDPR?**
4. **Out of those Subject Access Requests received in 2022 that were responded to beyond the one calendar month deadline, how many were answered (i) after three calendar months (ii) after six calendar months**

In 2022, Police Scotland received 6,455 subject access requests (SARs).

445 requests were responded to later than the assigned deadline, and therefore outwith the statutory calendar month period.

To be of assistance, I can provide you with the following breakdown of the 445 ‘late’ requests in terms of the period beyond the deadline in which they were answered:

1 - 31 Days - 405

32 - 62 Days - 29

63 - 93 Days - 8

+ 94 Days - 3

**(3) For the year 2023 (1st January 2023 to 31st December 2023), please state how many Subject Access Requests were received by this police force. Please also provide the following breakdown:**

1. **How many Subject Access Requests received in 2023 were responded to within one calendar month?**
2. **b) How many Subject Access Requests received in 2023 were responded to after one month but with an extension permitted under Article 12(3) of the UK GDPR**
3. **How many Subject Access Requests received in 2023 were responded to after the one calendar month deadline but without an extension permitted under Article 12(3) of the UK GDPR?**
4. **Out of those Subject Access Requests received in 2023 that were responded to beyond the one calendar month deadline, how many were answered (i) after three calendar months (ii) after six calendar months**

In 2023, Police Scotland received 7,564 subject access requests (SARs).

917 requests were responded to later than the assigned deadline, and therefore outwith the statutory calendar month period.

To be of assistance, I can provide you with the following breakdown of the 917 ‘late’ requests in terms of the period beyond the deadline in which they were answered:

1 - 31 Days - 803

32 - 62 Days - 93

63 - 93 Days -15

+ 94 Days - 6

It should be noted that 69 requests from 2023 remain in progress at this time.

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.