| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0644Responded to: 22nd March 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## I am writing to you under the Freedom of Information Act 2000 to request the following information in regard to revenge porn reports. I would like to know:

## How many reports of revenge porn were made to you each calendar year between 2017 and 2022.

I must firstly ask you to note that Police Scotland does not use the term “Revenge Pornography” but instead refers to Non-Consensual Sharing of Intimate Images which is legislated by Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 as defined by the Scottish Government Justice Department Crime Classification Codes.

Police Scotland agree with survivors who say the term “Revenge Porn” trivialises their experiences – it makes them feel as if they have done something wrong to justify an act of revenge. The focus on ‘porn’ encourages victim blaming in that they should not have taken or allowed the videos or pictures to be taken. It should also be noted that the intimate images may not be considered pornographic in nature.

Section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 came into force on 3 July 2017.

Recorded and Detected crime statistics regarding Non-Consensual Sharing of Intimate

Images are publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

1. states that it holds the information,
2. states that it is claiming an exemption,
3. specifies the exemption in question and
4. states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available on the Police Scotland website, via the following link:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

## Which sites were used by the suspect (eg. Facebook, Twitter, OnlyFans, Pornhub, Reddit, etc.)

In response to this question, regret to inform you that I am unable to provide you with this information, 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 crime recording systems used by Police Scotland has no markers etc. which would allow for those crimes committed online on these websites, to be automatically identified.

The only possible way to determine this, would be to carry out case by case assessment of all offences for the time period requested.

As illustrated by the published statistics above, there were 912 recorded in the 2021/22 period alone, each of which would require to be individually examined - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

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 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 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.