| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2805Responded to: 03 December 2024 |
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Your recent request for information is replicated below, together with our response.

**I write to you as Cllr Dempsey has also stated, in this video, that the Police Officer who dealt with the alleged assault on her daughter attended the homes of two of the African black kids responsible for the assault and comments. Cllr Dempsey claims that the Police Officer then contacted her and told her that she experienced something similar to what her daughter experienced verbally coming from the kids house, coming from the kids parents. It was the same language about slavery and things. She claims that the Officer said "Mrs Dempsey please don't give up, dig your heals in and stand your ground as this has to stop. Somebody has to put a stop to this". She continues to say that "the fact that this is one of our response services and they cant speak out". Which is suggesting that the Police are frightened to speak out and do their jobs due to the fear of being called racist.**

**1, Did the Officer involved with this incident have a similar experience and hear language about slavery?**

**2. Did the Officer involved with this incident say "please don't give up, dig your heals in and stand your ground as this has to stop. Somebody has to put a stop to this"?**

**3. Has Cllr Dempsey provided the Police with any evidence to corroborate her claims about a rise in racist attacks by black kids on white kids and Teachers in Glasgow?**

In terms of section 18 of the Act, I can neither confirm or deny what information was provided by the officer in question or Councillor Dempsey.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act. In this case:

**Section 34(1)(b) - Investigations**

Information is exempt information if it has at any time been held by a Scottish public authority for the purposes of an investigation, conducted by the authority, which in the circumstances may lead to a decision by the authority to make a report to the procurator fiscal to enable it to be determined whether criminal proceedings should be instituted.

**Section 38(1)(b) - Personal Data**

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’

I am of the view that the potential for an offender to be identified is significant, making any statistical information ‘personal data’.

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met.

The only potentially applicable condition is set out at Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information and that disclosure may well be necessary for that purpose, I am nonetheless of the view that those interests are overridden by the interests or fundamental rights and freedoms of the data subject.

Furthermore, the personal data in question would reveal information about an individual’s:

- criminal convictions

- offences

- related security measures

Whilst that does not in itself render the information special category personal data, it is our view that section 10 of the Data Protection Act 2018 makes clear that such information should be treated in a very similar way.

Article 9 of the GDPR only allows special category data to be processed in very limited circumstances and it is assessed that none of those circumstances are relevant here.

Taking all of the above into account, it is my view that disclosure of the information sought would be unlawful.

**Section 35(1)(a)&(b) - Law Enforcement**

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially the prevention or detection of crime and/ or the apprehension or prosecution of offenders.

Public Interest Test

Whilst I accept that there is a public interest in terms better informing the public as to the issues involving schools and racial hate crimes, there can be no parallel interest in the disclosure of information where there would be a detriment to the ability of Police Scotland to prevent and detect crime and keep people safe from harm.

Disclosure would undoubtedly increase the likelihood of individuals being physically or mentally harmed and it would also impede the police in terms of carrying out their duties.

It is therefore my view that where held, any information which exists would be considered exempt from disclosure.

**4. Is Police Scotland aware of a rise of racial attacks and or abuse from black kids towards white school kids and Teachers in GCC Schools and if so what steps are being taking to address this situation?**

**5. Is Police Scotland aware of predominantly black school kids arranging fights on white kids, on a weekly basis, and calling this the "fight club"?**

We do not hold any information about the exact scenario outlined in your request and section 17 of the Act therefore applies.

The detailed analysis that would be required to answer your questions in terms of the nationality/ ethnicity of the parties involved in potentially relevant crimes has not been conducted by Police Scotland.

To be of assistance however, I can provide you with the data below which represents all recorded racial hate crimes in the Greater Glasgow area which are of potential relevance to your request due to the locus type recorded:

| **Year** | **Recorded Crimes** |
| --- | --- |
| 2019 | 15 |
| 2020 | 23 |
| 2021 | 17 |
| 2022 | 17 |
| 2023 | 15 |
| 2024 | 18 |

2024 data includes data from two systems.

For the period 1 January to 31 March 2024, Data has been extracted from the Interim Vulnerable Persons Database (iVPD) using the ‘incident created’ date and is based on crimes/offences which include at least one of the hate aggravators.

Location Type: 'Education Establishment' has been selected

Police Scotland does not retain any information for statistical purposes once a record has been weeded from iVPD. When a record is weeded, it is removed from the system, and there is no retention of data outside the weeding and retention policy. Please note, the weeding and retention policy states that if a person is recorded as "no concern / not applicable" then this will only be retained for 6 months.

Data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it.

For the period 1 April to 31 October 2024, data was extracted from the Police Scotland National Crime Unifi database using the ‘date raised’ and are correct as at 21/11/2024.

All statistics are provisional and should be treated as management information.

Data was extracted based on crimes/offences which include at least one of the hate aggravators and/or are one of the following offences:

•Racially aggravated harassment

•Racially aggravated conduct

•Stirring up hatred: Racial

•Stirring up hatred: Other Group

•Race Relations Legislation (Public Order Act)

Data was joined to the Ordnance Survey National Geographic Database (OS NGD), Land Use data set, with 'Education', 'Higher Education', Infant School', 'Junior School', 'Non State Secondary School', 'Preparatory / First / Primary / Infant / Junior / Middle School', 'Primary School', 'Secondary / High School', 'Secondary School', selected from the 'classification description' variable.

Please note, only records with a Grid East and Grid North are plotted and selected. Not all records have a Grid East and Grid North.

Please note, each record will need to be read to confirm the circumstances and location.

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.