| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2613  Responded to: 30th October 2023 |
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Your recent request for information is replicated below, together with our response.

## Im currently drafting an argument for the NHS to stop funding Prep (Pre-exposure prophylaxis) and for the law on infecting people with HIV to not just be made clearer but to provide protection for people who get tested regularly or are compliant with medication.

## Before I can set out my case to the NHS and my local MSP it would be helpful to have some information regarding the charges used against people and how many convictions there has been within the last 5 years. I don’t know the full scope of 'reckless injury' and 'reckless endangerment' but I am looking for how many HIV related convictions there has been within the past 5 years.

Police Scotland does not hold conviction information. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

You may wish to contact the Crown Office and Procurator Fiscals Service (COPFS) which holds conviction information for Scotland. A request can be submitted to COPFS via email using the following address [FOI@copfs.gov.uk](mailto:FOI@copfs.gov.uk)

Please note that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes and in this instance, the relevant offence would be Culpable and Reckless Conduct or potentially Assault.

Recorded and Detected crime statistics are publicly available on the Police Scotland website via the below links however I must stress that we would be unable to review these to provide crime statistics on HIV related cases within the cost limitations set out by the Fees Regulations.

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

## It would also be helpful if you could explain to me what my obligations are regarding the law as someone who is HIV positive and on treatment as it has never been explained to me by an officer of the law.

The Freedom of Information (Scotland) Act 2002 provides a right of access to recorded information only and as such, we are unable, in FOI terms, to provide advice/explanations.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

The following information may be helpful however:-

[How the law works | Terrence Higgins Trust (tht.org.uk)](https://www.tht.org.uk/hiv-and-sexual-health/living-well-hiv/legal-issues/how-law-works)

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.