| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-3269  Responded to: 22 January 2024 |
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Your recent request for information is replicated below, together with our response.

**How many female prisoners, and how many male prisoners, have been charged while being held in prison with offences under Section 38 or Section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 with a transgender aggravator (ie. under the Offences (Aggravation by Prejudice)(Scotland) Act 2009), for the period 2018 to 2023 inclusive**

## In response to your question, please find below the relevant data -

2019 - 1 male prisoner

2020 - 1 male prisoner

2021 - 1 male prisoner

2023 – 1 female prisoner and 1 male prisoner

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.