| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1179  Responded to: 29 May 2024 |
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Your recent request for information is replicated below, together with our response.

## 1. How many complaints of each of the following types of discrimination were reported to your organisation in 2021, 2022 and 2023:

## a) Disability discrimination

## b) Race or ethnicity discrimination

## c) Sexual orientation discrimination

I have provided a table at the end of this letter providing the information above.

## 2.  How many complaints were reported to your organisation about discrimination related to a person’s HIV status in:

## a) 2021

## b) 2022

## c) 2023

## 3.  If HIV-related discrimination complaints were reported to your organisation, how many of the following incidents were reported?

## (a) Refusal of a service after HIV status was shared.

## (b) Failure to make reasonable adjustments for a person’s HIV status.

## (c) Harassment related to a person’s HIV status.

## (d) Use of an organisational policy that discriminated against a person based on their HIV status.

## (e) Another kind of HIV discrimination incident.

## 4. If HIV-related discrimination complaints were reported to your organisation, were they reported by?

## (a) Members of the public.

## (b) Employees of your organisation.

## 5. If HIV-related discrimination complaints were reported to your organisation, how many complaints were upheld?

I regret to inform you that I am unable to provide you with the information you have requested above. Therefore in accordance with Sections 12(1) (Excessive cost of compliance) and 16(4) (Refusal of request) of the Freedom of Information (Scotland) Act 2002 (the Act), this letter represents a Refusal Notice.

By way of explanation, there is no marker on the Professional Standards Database in relation to HIV status therefore over 400 files would require a manual review. If we used the example it would take 10 minutes to read through each file this would take approximately 66 hours and cost £1000.This is in excess of the £600 and 40 hours prescribed by the Scottish Ministers under the Act.

## 6. Does your organisation have a policy to deal with incidents of HIV discrimination reported to them at a strategic level? If so, could you explain what the policy is or attach a copy of said policy?

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:

(a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) 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”

To be of assistance, I have attached a link below which provides the information you have requested.

Please note this document does not explicitly make mention of HIV, however, it is classed as a disability under the Equality Act 2010 (Schedule 1 Part 1, Paragraph 6) and the document covers disability as a protected characteristic including protection from discrimination.

[Equality, Diversity and Dignity (Police Officers and Authority/Police Staff) SOP (Publication Scheme)](https://www.scotland.police.uk/spa-media/3lka0za4/equality-diversity-and-dignity-sop.pdf)

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.

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| **Table 1.** |  |  |
| **Title: Recorded Hate Crime Broken On Selected Aggravators, Police Scotland1** | | | |
| Period: 1st January 2021 - 31st December 2023 (Calendar Years) | | |

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| --- | --- | --- | --- |
| **Aggravator** | **2021** | **2022** | **2023** |
| Race | 4,219 | 3,839 | 3,941 |
| Disability | 516 | 599 | 643 |
| Sexual Orientation | 1,777 | 1,718 | 1,510 |

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| All statistics are provisional and should be treated as management information. All data have been extracted from Police Scotland internal systems and are correct as at 28th May 2024. |
| 1. The Recorded Crimes are extracted using the incident's raised date and extracted from iVPD by selecting hate crime aggravators. It must be noted that a crime can have more than one hate aggravator. |
| *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* |
| *Please note that these data are collated from the Police Scotland iVPD system, which has an automated weeding and retention policy built on to it. A copy of the retention policy is available on the Police Scotland internet site.* |