| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2220  Responded to: 21st September 2023 |
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Your recent request for information is replicated below, together with our response.

## Would you be able to share statistics showing the volume of sexual harassment and sexual assault reports in the Inverness Central Ward 14, over the last five years, broken down by each street. If data is not available for all of the last five years, please provide information for the most recent years that are available.

I must first of all advise you that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes, however there is no crime classification for ‘Sexual Harassment’.

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.

In relation to sexual assault offences, please be advised that recorded and detected crime statistics for sexual assaults 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:

(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”*

The information you are seeking is available on the Police Scotland website, broken down by Multi-Member Ward area, via the following link:-

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

Please be advised that Section 38(1)(b) – Personal Data has been applied in regards to your request for a breakdown by street.

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’*

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’*

I appreciate that this response may be disappointing however, I feel that it is important to emphasise to you that the Act is in essence, applicant and purpose blind. By this I mean that any information disclosed under the Act would be available to any person requesting it and in addition, that all responses under the Act are published on our website. On that basis, it is my view that disclosure of the information sought would be unlawful.

The published crime data which is broken down by Multi-Member Ward area is the most detailed data set we can make publicly available.

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.