| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0519  Responded to: 02 June 2024 |
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Your recent request for information is replicated below, together with our response.

## Please provide copies of internal and external correspondence, briefings, or other relevant information in relation to:

## Home Office Statutory guidance on Non-Crime Hate Incidents: Code of Practice on the Recording and Retention of Personal Data (see: https://www.gov.uk/government/publications/non-crime-hate-incidents-code-of-practice/non-crime-hate-incidents-code-of-practice-on-the-recording-and-retention-of-personal-data-accessible)

## College of Policing produce Authorised Professional Practice (APP) on Non-Crime Hate Incidents.

## The Court of Appeal judgment in the case of Harry Miller v College of Police [2021]

## This should include the underlined documentation referenced here:

## "PPCW briefing paper that was submitted to the PTCG recommending to adopt the

## College of Policing interim guidance on the recording of non-crime hate incidents

## was approved. Shortly after this, College of Policing issued their full guidance and

## training which requires further review to identify impact to Police Scotland. As such

## the SLWG will reconvene to review. Any new processes require to be updated and

## officers trained. Due to timescales this is unable to be done in conjunction with the

## HCPOA training. A further training/guidance will be developed in due course."

## See page 36 here: https://www.spa.police.uk/spa-media/ytxlvtkg/item-3-2-annual-police-plan-bi-annual-progress-report.pdf

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information requested.

By way of explanation, to provide all correspondence that refers to the documents mentioned above would require assessment of the notebook and email system of each police officer and staff member, this would take a significant period of time to complete.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

With respect to the noted briefing paper, in terms of Section 17 of the Act, I can confirm that the information you have requested is not held by Police Scotland.

By way of explanation, several of the key officers and staff members involved in the PTCG group have since moved role or left the organisation. I can advise that a significant search of necessary systems has been conducted and despite our best efforts to source information of relevance, no information was found.

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.