| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0041  Responded to: 23rd January 2023 |
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Your recent request for information is replicated below, together with our response.

## How many letters from solicitors have you received claiming someone is a victim of a malicious prosecution in the years 2018, 2019, 2020, 2021, 2022?

## How many settlements have you reached with people claiming they are victims of a malicious prosecution in the years 2018, 2019, 2020, 2021, 2022?

## How many times has this force been found guilty of a malicious prosecution in the years 2018, 2019, 2020, 2021, 2022?

Having considered your request in terms of the above Act, I must first of all advise you that crimes in Scotland are recorded in accordance with the Scottish Government Justice Department offence classification codes and there is no offence of ‘malicious prosecution’.

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 prosecution information for Scotland. A request can be submitted to COPFS via email using the following address [foi@copfs.gsi.gov.uk](mailto:foi@copfs.gsi.gov.uk)

With regard to question 1, Police Scotland may have received letters claiming an individual is a victim of a ‘malicious prosecution’ however the only possible way to provide an accurate response would be to check all letters received across the entire Force.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process this part of your request.

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 sought.

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.