| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2319  Responded to: xx October 2024 |
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Your recent request for information is replicated below, together with our response.

## As part of some research into how much social media companies are providing assistance when requested by law enforcement, please see the below;

## Please provide the following information for the period 2019 to 2024 for Police Scotland. If possible please present the information in six month sections; Jan – June, July – Dec etc. or otherwise by calendar year.

## 1. The total number of investigations began by Police Scotland within those periods.

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

By way of explanation there is no search facility which would allow us to accurately gather information relating to ‘investigations’ even for a brief time period.

As an alternative, Police Scotland publish quarterly crime statistics through our Police Scotland website and I have provided the link below for assistance;

<https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/>

**2. The total number of investigations by Police Scotland within those periods, in which information to support prosecution, other than that which is already in the public domain, was requested from the company Meta, or any of its subsidiaries or trading names.**

**3. The total number of investigations by Police Scotland within those periods, in which any of the information requested in point 3 was subsequently provided by Meta.**

## 4. The total number of requests by Police Scotland, within those periods, made to Meta for any information other than that in the public domain.

## 5. Of the requests in point 4, how many were successful for each period?

Questions 2-5 have been answered together.

In terms of section 18 of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether any such information is held. Section 18 provides that an authority does not have to confirm whether or not information is held where:

* If the information were held, it would be considered exempt from disclosure in terms of any of sections 28 to 35, 38, 39(1) or 41 of the Act; and disclosing whether or not information is held would be contrary to the public interest
* If held, I consider that information held would be exempt from disclosure as described in the exemptions laid out above:

Section 2(1)&(2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

In this instance, sections 33(1)(b), 35(1)(a) & (b) and 39(1) of the Act apply.

The disclosure of this information, if held, could adversely impact the social media company's business by highlighting how often law enforcement agencies are making requests from them, which based on this information may lead their customers or potential customers moving to another provider. Police Scotland has a moral duty to protect the sensitive commercial information it holds about any private company they have dealings with. In this case, providing the fine detail of whether requests are made to such companies would prejudice their commercial interests.

With any such relationship impeded, a social media operator may withdraw their services without prior notice which would compromise the prevention and detection of crime.

Disclosure would also reveal which social media operators are limited in their abilities and those which have the better capabilities, potentially giving a tactical advantage to criminals who would choose a network based on risk.

Revealing the number of services provided by social media operators would indicate their relationship with law enforcement which in turn would benefit a terrorist or criminal by confirming which social media operators regularly assist the Police Service. This awareness would enable members of the criminal fraternity to take evasive steps to avoid detection and favouring one social media operator over another.

Accordingly, disclosure of the information may enable individuals or terrorist organisations to identify social media operators used by the police service as part of an intelligence gathering operation. The effectiveness of current and future strategies to combat terrorist activity may be compromised and may also inhibit the ability to prevent crime. This in turn would have an adverse impact on the safety of officers and to the general public.

The police service cannot disclose information which will assist those intent on committing crime, thereby undermining national security or law enforcement and placing the public at risk.

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.