| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2042  Responded to: 4th September 2023 |
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Your recent request for information is replicated below, together with our response.

## How many incidents were reported to Scotland police which fall under Criminal Justice and Licensing (Scotland) Act 2010, Section 38 between October 2022 and May 2023?

Please be advised that statistics regarding the above offence 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 exemptions which I consider to be applicable are set out at Section 25(1) and Section 27(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”*

*“Information is exempt information if it is held with a view to its being published […] at a date not later than twelve weeks after that on which the request for the information is made.”*

The information you are seeking is available on the Police Scotland website, via the following link:

[How we are performing - Police Scotland](https://www.scotland.police.uk/about-us/what-we-do/how-we-are-performing/)

## 1. How many of these cases were closed without any actions from the Police?

## 2. How many of these cases were closed and arrests were made?

## 3. How many of these cases were deemed closed without arrests? Why were they closed?

## 4. How many of these cases remain open AND are actively being pursued by the Police?

## 5. How many of these cases remain open BUT police are not taking actions?

Police Scotland does not record crime reports as being ‘open’ or ‘closed’. The outcomes referred to in your request are Home Office Outcome Classifications, and they are not used in Scotland.

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.

## 6. Why doesn't Scotland Police take Section 38 act seriously?

In response to this question, I must advise you that in terms of the Freedom of Information (Scotland) Act 2002, a public authority is only obliged to provide recorded information.

Under Section 8 of the Act, information which requires an opinion response is not in essence a valid request, accordingly, in this instance I cannot process your request.

## B. How many 101 fraudulent calls that originated from Camelon, Falkirk area on 3rd April 2023?

## C. How many 999 fraudulent calls that originated from Camelon, Falkirk area on 3rd April 2023?

## D. How many 101 fraudulent calls that originated from a mobile network within Falkirk on 3rd April 2023?

## E. How many 999 fraudulent calls that originated from a mobile network within Falkirk on 3rd April 2023?

In response to these questions Section 17 of the Freedom of Information (Scotland) Act 2002 has been applied as the information you seek is not held by Police Scotland. To explain, there is no classification on Police Scotland systems for ‘fraudulent’ calls.

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.