

Our Ref: IM-FOI-2021-0277  
Date: 25<sup>th</sup> November 2021



## FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

**1. For the year 2019/20, please provide the number of arrests made in connection with all instances of online grooming offences by adults against children.**

In response to your request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

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 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.

By way of explanation, in Scotland there is no recognised crime of online grooming, with crimes of this nature recorded under a variety of offences, which in general are recognised within the umbrella of Online Child Sexual Abuse and Exploitation (CSAE).

However, in order to be of assistance I can advise these above mentioned crime types include offences under the following acts;

- Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
- Sexual Offences (Scotland) Act 2009

I can advise that 475 persons were arrested for crimes under the above Acts which relate to crimes that can be considered as “grooming” activity. I would ask that you note that grooming is not a defined term under these Acts.

Section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 creates an offence of meeting a child following certain preliminary contact. Of the 475 arrests detailed above, 49 were arrests made relating to offences under this Act.

Full details of this legislation can be found at the below link

<https://www.legislation.gov.uk/asp/2005/9/contents>

Please note that this legislation states that an offence under this Act can be committed not only online, but also via telephone or in person. For the purpose of this response, the figures include all manner of contact i.e. either online or otherwise.

A further 2973 arrests were recorded for offences committed under terms of Section 127 of the Communications Act 2003, however, in order to determine whether the offences were committed online and if the offences related to sexual activity with a child each record would need to be individually assessed. I estimate that it would take approximately 2 minutes to examine each record. This would greatly exceed the work limit threshold set out in the FOI Act.

Additionally, there may be occasions whereby a suspect is arrested for an offence not listed above and through subsequent enquires is charged with an offence covered by these Acts and therefore there was no specific arrest directly related to the 'grooming' offence.

Please note that the above figures are only for persons arrested for an offence covered by the Acts specified, meaning that the arrested person may or may not have been charged with the offence.

It is also worthy of note that one person may have been arrested on a single occasion for numerous offences recorded above. Alternatively, the same person can be arrested more than once for the same offence.

**2. For the year 2019/20, please provide the number and names of all so-called paedophile hunting groups associated with the online grooming offences identified in 1.**

Following your recent appeal request I can offer the following comment in relation to this question.

To provide a bit of background information, there are a number of standalone analytical projects carried out by Police Scotland to report particular statistics. These can be for a number of different reasons for example, statistical reports to assist with investigations or returns produced for the Scottish Government etc. These projects on their own can take weeks if not months to complete due to the systems to be cross referenced and the data analysed. If the same information was requested under FOISA it would not be feasible to complete within the timescale provided. However, once the work has been completed the information can certainly be reported on for FOISA purposes. This is one of those cases.

Whilst we are still unable to provide you with any statistics based on question 1, I can provide you with the statistics used by HMICS to compile their report "Strategic Review of Police Scotland's Response to Online child Sexual Abuse" dated February 2020.

- 95 offences of online grooming of children for the purposes of sexual offences were recorded during the period 01/04/2018 - 31/03/2019
- Over half of these crime reports (52 offences - 55%) concerned activity by Online Child Sexual Abuse Groups (OCAG).

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- 17 different named groups were recorded across these reports.

The following should also provide some context around the statistics produced.

- The crime report data has been gathered for the period 01/04/2018 - 31/03/2019 relating specifically to the offence 'Grooming Children for the purposes of sexual offences'. A broader assessment that would have included crime reports whereby online grooming formed *part* of the MO of the offender were not included for analysis.
- The data has been extracted from numerous legacy police crime systems. There is not one recorded crime system for Police Scotland.
- The information extracted from crime management systems is reliant upon the information recorded within the original crime reports, which may or may not contain all of the required information for full analysis to be conducted.
- The figures are based on manual assessment and categorisation so may contain errors/anomalies.
- The data is not official statistics.
- The name of the OCAG group involved could not be established for every crime due to a lack of information.
- We do not hold a summary of each recorded crime including outcome.

Where the name of the OCAG is held I believe the following exemption is relevant.

The requested information is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland 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.

Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

Information regarding the OCAG would not normally be disclosed by Police Scotland and we would consider the information to be exempt from disclosure as follows:

Section 35(1) (a) & (b) - Law Enforcement

Section 39(1) - Health and Safety

### **Section 35(1) (a) & (b) – Law Enforcement**

The disclosure of the information requested may result in OCAG failing to contact the police when these crimes occur. Police Scotland relies on the co-operation of OCAG to report any matters of concern, or any crimes they witness to the Service without delay.

It must be borne in mind that when people call the police, they do so with an expectation of confidentiality and privacy, if this expectation is not met, incidents would fail to be reported thus hindering the prevention and detection of crime and jeopardising public protection. This

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would harm both the Police Service, as it would be harder to detect and solve crime and would also harm the wider community, as these crimes would go undetected, increasing the risk to the community as a whole from crime. This is a non-absolute exemption and requires the application of the public interest test

### **Section 39(1) - Health, safety and the environment**

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

The exemptions above require me to evidence harm and a public interest test to be conducted:

### **Public Interest Test**

I must first ask you to note that a disclosure of information under the Act is not simply a disclosure to the person that requests it; it is a public disclosure to the world.

It is simply not possible to limit the circulation of any information released under this legislation as we would have to release the same information in any subsequent request to us.

Therefore in order to protect any individuals who may be involved with OCAGs we are unable to provide the names of the groups.

The police service must protect the integrity of the information provided at the time of reporting these crimes as a release of information could not only result in physical harm to the members of the OCAGs but we must consider the welfare of the victims if these crimes go unreported.

Whilst it is appreciated you may have a legitimate interest in the information requested and it may be of interest to the public to know more specific details regarding OCAG, it does not necessarily follow that we can disclose information relating to these groups into the public domain.

I acknowledge that disclosure of the information requested would indicate accountability and satisfaction to the public that the investigation into CSE was conducted properly by the police service.

However I also note that to release any further information collated as part of the investigation could undermine any future investigations and may undermine the approach to CSE.

In balancing these competing factors, I consider that the decision must fall in favour of preserving the confidentiality of sources, and maintaining the trust between the police service and OCAG's which in this case is assessed to carry more weight than that of accountability.

Should you require any further assistance please contact Information Management quoting the reference number given.

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If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [xxx@xxxxxxxx.xxx.xxxce.uk](mailto:xxx@xxxxxxxx.xxx.xxxce.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.