



Altogether Better Policing

Information Rights and Disclosure  
Professional Standards and Legal Services  
Peterlee Police Office  
St Aidans Way  
Peterlee  
County Durham  
SR8 1QR

Tel. No: 0191 3752596

Web Site: [www.durham.police.uk](http://www.durham.police.uk)

E-mail: [freedomofinformation@durham.pnn.police.uk](mailto:freedomofinformation@durham.pnn.police.uk)



**Request to Durham Constabulary under the Freedom of Information Act**  
**Received on 17/12/2019      Our Ref: DC/FOI/1201/2018**

**Date: 20/02/2019**

Your request:

I write to request information and records under the FOIA, regarding your force's use of consent statements when requesting, accessing, analysing and disclosing personal information from complainant's of sexual offences. Specifically, I am asking the following:

1. Does your force collect digital information from devices belonging to complainants of sexual offences? If yes, please provide:
  - i. The legal basis under which you are doing this
  - ii. Copies of any policy or guidance in relation to this practice
2. Does your force seek consent from complainants of sexual offences when requesting, accessing, analysing, or disclosing digital or personal information either from them or records from a third party organisation relating to them? For the avoidance of doubt, records from third party organisations includes but is not limited to medical records, counselling records, local authority records, educational records or rape crisis centre records. If yes, please provide:
  - i. A copy of the consent form/s or statement/s you use and require them to sign to show their consent
  - ii. A copy of any information provided to complainants about this process
  - iii. A copy of your policy or guidance in relation to this practice

I can confirm the information requested is held by Durham Constabulary.

**1. Does your force collect digital information from devices belonging to complainants of sexual offences? If yes, please provide:**

1) We do encourage officers to consider the examination of victim's phones when deemed a reasonable line of enquiry. This is often done with the victims consent.

**i. The legal basis under which you are doing this**



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CPIA 1996

[https://www.cps.gov.uk/sites/default/files/documents/legal\\_guidance/Disclosure%20Manual\\_0.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/Disclosure%20Manual_0.pdf)

The National Disclosure Improvement Plan and Disclosure Guidance on Communication Evidence have been produced to provide guidance for all offences.

**ii. Copies of any policy or guidance in relation to this practice**

There is no force policy in existence around the seizure of mobile phones although the above legal document provides guidance to officers around disclosure due to electronic devices storing, quite often a substantial amount of data. Current disclosure training being delivered to all officers remains on-going. When mobile phones are being examined the OIC shall link in with their supervision in order to develop a disclosure strategy during which parameters are recorded.

**2.Does your force seek consent from complainants of sexual offences when requesting, accessing, analysing, or disclosing digital or personal information either from them or records from a third party organisation relating to them? For the avoidance of doubt, records from third party organisations includes but is not limited to medical records, counselling records, local authority records, educational records or rape crisis centre records. If yes, please provide:**

We do seek consent to access third party material, this is recorded on a written document which is signed by the victim.

**i. A copy of the consent form/s or statement/s you use and require them to sign to show their consent**

Attached although officers may include specific consent in the statement taken from victim.

**ii. A copy of any information provided to complainants about this process**

We do not have any recorded information in relation guidance given, this is completed verbally although the form they sign explains disclosure too.

**iii. A copy of your policy or guidance in relation to this practice**

<https://www.cps.gov.uk/sites/default/files/documents/publications/Joint-Protocol-on-Third-Party-Material-2018.pdf>

Please note that Durham Constabulary's response to your request is unique and should not be used as a comparison with any other Force response you receive.



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## COMPLAINT RIGHTS

Your attention is drawn to the below link to our website, which details your right to complain:

<https://www.durham.police.uk/About-Us/Freedom-of-information/General/Pages/FOI-Request.aspx>

If you have any further enquiries concerning this matter, please write or contact me on the above telephone number.

I hope this is of assistance to you.

S Teasdale  
Information Rights and Disclosure Unit