



Dear Silkie Carlo

Gloucestershire Constabulary Freedom of Information request 2018.1277

On the 17th December 2018 you sent an email constituting a request under the Freedom of Information Act asking the following:

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

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

1 – Yes.

i – In almost all cases the victim is asked if they will volunteer their device(s) and therefore no legal power is exercised. In those instances where digital information collection is necessary, but the device(s) have not been volunteered, this is done so by use of Section 19 of the Police & Criminal Evidence Act 1984.

ii – Gloucestershire Constabulary does not have its own local policy, but we adhere to the 2010 CPS/NPIA Guidance on Investigating and Prosecuting Rape, the CPS Guide to "reasonable lines of enquiry" & Communications Evidence and its accompanying guidance document (Disclosure – Guidance on Communication Evidence). All of these documents are in the public domain, however for ease of reference, please see the attached documents.

2 – Yes

- i – Please see the attached Third Party Consent Form and copy of the consent page of the STO (Special Trained Officer) Booklet.
- ii – Information is provided verbally to victims.
- iii – There is no local policy specifically relating to consent.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,

Miss N Cramb
Disclosure Officer
Gloucestershire Constabulary