



Dear Silkie Carlo,

Freedom of Information Request 2018/21696

Thank you for your recent request under the Freedom of Information Act 2000.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at, Section 1(1) (a), is to confirm or deny whether the information specified in a request is held. The second duty at, Section 1 (1) (b), is to disclose information that has been confirmed as being held.

Under the provisions of those sections of FOIA, I can confirm that information you requested is held by Gwent Police for the below questions and we are able to comply with your request to supply information.

The information that you are seeking is in relation to the following:

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

Response:-

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

Gwent Police do collect digital information from devices belonging to complainants of sexual offences.

The legal basis under which we do this varies from investigation to investigation.

Primarily the legal basis is with the consent of the persons whose phone we are examining.

There are no specific policies or guidance in relation to this practice but officers are provided with training around powers of seizure and seizing items with consent.

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

Gwent Police does seek consent from complainants of sexual offences when requesting material such as the above but this isn't the only way in which we share information. An example of our consent forms are attached.

The way in which we are requesting this information is verbally explained to the persons concerned.

Guidance can be found on the College of Policing website around information sharing. The link to that website is as follows:
<https://www.app.college.police.uk/app-content/information-management/sharing-police-information/>

Freedom of Information Act is a public disclosure regime, not a private regime. Any information disclosed under the Act is thereafter deemed to be in the public domain, and therefore freely available to the public and will be published on the Gwent Police website.

Thank you for your interest in Gwent Police.