

Request Number – 002636/19
Date of Decision – 27 June 2019
Subject Area - Operational
Decision - Disclosed

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 complainants 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

Reply

1. Yes. The force does process phones and computers that have been seized from victims often relating to sexual offences. The equipment is seized with their consent and in line with the guidance attached.

The force complies with the legislation governing disclosure in criminal investigations (Criminal Procedure and Investigations Act 1996, Codes of Practice) when discharging our duties in relation to the disclosure of 3rd party material, along with the Data Protection Act when making requests third parties where consent has been given.

Please see 002636a – Guidance Notes For Digital Processing Notice P779.

A copy of the form they complete is also attached; please see 002636b – P779 Digital Processing Notice.

2. Yes. Any request to access 3rd party material in relation to a victim of a sexual offence is done with the consent of the victim.

The force does not have a specific policy in relation to this but operates to the guidance of the NPCC “ Protocol between the Police Service and the Crown Prosecution Service on dealing with third party material” available at:

https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/Joint-Protocol-on-Third-Party-Material-v2.pdf

A copy of the consent form is attached; please see 002636c – PVP Consent Form.