



Response Date: **24/10/2018**

**2018/956 – Disclosure of Digital Evidence**

In response to your recent request for information regarding;

**1. Is your force currently collecting digital information from devices belonging to complainants of sexual offences? For reference, “collecting digital information” in this context should be taken to mean and include any form of examination, access, extraction, copying or download of such digital information from digital devices, whether by self-service kiosks (SSKs), other device extraction software, or by external digital forensic examiners. If yes, please provide details of:**

- i. the number of complainants who have had information from their digital device(s) collected by your force in the last 12 months.
- ii. the number of digital devices that your force has collected information from in the last 12 months.
- iii. the number of times complainants have withdrawn their complaint or their support for the investigation at the point they were asked to hand over their digital device or information.

Although excess cost removed the forces obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Yes. Please see costs exemption detailed in question 4.

**2. Does your force currently have any digital devices awaiting examination? If yes, please provide details of:**

- i. The number of devices currently awaiting examination.
- ii. the average wait time for a digital device to be examined.

Yes. Please see costs exemption detailed in question 4.

**3. Does your force seek consent from complainants of sexual offences for the collection and/or disclosure of their personal information from their digital device or a third party organisation such as medical records, counselling records, local authority records or educational records? If yes, please provide details of:**

- i. the number of complainants who have been asked for their consent to the collection of their personal information, via consent or 'Stafford' statements, in the last 12 months.
- ii. the number of complainants who have given their consent, via consent or 'Stafford' statements, in the last 12 months.
- iii. the number of complainants who have refused to give their consent, via consent or 'Stafford' statements, in the last 12 months.
- iv. the number of complainants who have withdrawn their complaint or their support for the investigation after being asked for their consent to their device and personal information being collected by the police.

Yes. Please see costs exemption detailed in question 4.

**4. Has your force disclosed any digital information collected from digital devices belonging to complainants of sexual offences to the Crown Prosecution Service or the defendants' legal representatives? If yes, please provide details of:**

- i. the number of times this information has been disclosed to the Crown Prosecution Service in the last 12 months.**
- ii. the number of times this information has been disclosed to the defence or legal representatives of the defence in the last 12 months.**

Yes.

However, to obtain the further details you have requested would involve manually reviewing each sexual offence record on our force system. The cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (FOI) Fees and Appropriate Limit regulations 2004.

Therefore, in accordance with the FOI Act 2000 the information you have requested is exempt under Section 12 (1), and this letter acts as a Refusal Notice under section 17 (5) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST  
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 24/10/2018