



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-03025

Keyword: Organisational Information/Governance

Subject: Victims of Sexual Offences

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates and the decision has been taken to disclose the following.

Victims of this type of offence struggle to make the initial report and police have been working hard through a number of different initiatives to encourage victims to come forward. Police do have a power to seize a victim's device and may have to disclose information obtained to the suspects defence team. However, these powers are rarely used and the devices would be examined with the full consent of the victim after an extensive discussion outlining exactly what is involved and how the information is managed. PSNI treat all victims of crime with courtesy, respect and sensitivity in a professional and non-discriminatory way.

Request 1

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:

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

Answer

Yes, PSNI can collect digital information from devices belonging to complainants of sexual offences if there is an evidential requirement to collect this data.

- i. Police seize the item under legal statute, Article 21 of PACE (Police and Criminal Evidence).
- ii. Please refer to Article 21 of PACE which can be accessed via the link provided below:

<http://www.legislation.gov.uk/nisi/1989/1341/contents>

Request 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

Answer

Currently, PSNI seek consent from complainants of sexual offences to request, access, analyse and disclose third party material. There is nothing specific at present for consent regarding requesting, accessing, analysing, or disclosing digital material. This is currently under review at present.

- i. Please see attached Form of Consent.
- ii. Please refer to Form of Consent. Contents of this document are read to the Injured Party.
- iii. This is covered by legal statute under PACE. There is no set policy.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.