



Thames Valley Police
Chief Constable Francis Habgood QPM

Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

Silkie Carlo

Telephone: 101
Direct dial: 01865 542051
Email: publicaccess@thamesvalley.pnn.police.uk

Our ref: HQ/PA/004016/18

11th January 2019

Dear Silkie Carlo,

I write in response to the above-referenced Freedom of Information Act (FOIA) request submitted on the 17th December 2018. Thames Valley Police has now considered this request, which for clarity, has been repeated below:

<u>Request</u>	<u>Response</u>
<p>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:</p> <ol style="list-style-type: none">1. Does your force collect digital information from devices belonging to complainants of sexual offences? If yes, please provide:<ol style="list-style-type: none">i. The legal basis under which you are doing thisii. Copies of any policy or guidance in relation to this practice2. 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,	<p>This request is being refused under Section 12(1) of the FOIA.</p> <p>Section 12 of the FOIA allows that public authorities do not have to comply with section 1(1) of the Act if the cost of complying would exceed the appropriate limit. In accordance with the Freedom of Information Act, this letter represents a Refusal Notice for this request.</p> <p>The information requested in elements 1ii and 2ii of your request is not held in an easily retrievable format and would require speaking to every officer that would have dealt with an incident of this nature. With regards to any information passed to a victim regarding consent, each officer would need to be contacted to establish whether they all gave the victim the exact same information or if some may give more details for example if the victim had asked further questions in relation to this. To ensure we are providing any and all information, we</p>



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<p>educational records or rape crisis centre records. If yes, please provide:</p> <ul style="list-style-type: none"> 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 	<p>would need to contact individuals to record their response which would exceed the appropriate 18 hour time and £450 cost limit.</p> <p>Section 16:- Further advice & assistance</p> <p>Thames Valley Police cannot further advise how this information might be retrieved within the constraints.</p> <p>We have continued to provide information where possible. The provision of this data does not affect our legal right to rely on Section 12 for the rest of your request.</p> <p>1. Yes</p> <p>1ii. Please see the following link which details the legal basis for seizing items. https://www.legislation.gov.uk/ukpga/1984/60/section/19</p> <p>2. Yes</p> <p>It may be advisable to review information available in the following link which relates to guidance on investigating sexual offences. https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/rape-and-sexual-offences/?highlight=sexual%20assault?s=sexual+assault</p>
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Complaint Rights

If you are dissatisfied with the handling procedures or the decision made by Thames Valley Police, you can lodge a complaint with the force to have the decision reviewed within two months of the date of this response. Complaints should be made in writing to the FOI inbox; publicaccess@thamesvalley.pnn.police.uk.

If, after lodging a complaint with Thames Valley Police, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.



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If you require any further assistance, please do not hesitate to contact this office.

Yours sincerely

Claire Baldwin
Public Access
Joint Information Management Unit