

**Force Disclosure Unit**

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.pnn.police.uk

Silkie Carlo – by E mail

Date: 24th April 2018

Your ref: FOI

Our ref: FOI 2018 / 1088

Reply contact name is: Nick Penny

Dear Silkie,

I write in connection with your request for information dated 16th December 2018 concerning the collection of digital information.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and – having consulted our Policy Team and Public Protection Team - I am now able to respond as follows.

You wrote:

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

Our response:

The answers to your questions are as follows :-



Question 1

Yes, Wiltshire Police does collect digital information from devices belonging to complainants of sexual offences.

- i) Any evidence that Wiltshire Police collect would be with the consent of the complainant (which would therefore satisfy the legal basis for actually obtaining that evidence).
- ii) Wiltshire Police do not have our own specific policy (or policy document) related to the collection of digital information, but we do work to specific guidelines provided by the NPCC (National Police Chief's Council). Please refer to the answers provided to Q2 below.

Question 2

Yes, Wiltshire Police does 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.

Enclosed with this letter are the following two documents which provide answers to the two parts of this question you require (namely copies of the consent forms that require authority for disclosure and the information provided to individuals about the process itself) :-

- a) NPCC disclosure guidance for obtaining data from digital devices
- b) DPA request to external organisations for disclosure of personal data

It should be noted that should records be obtained from any 3rd parties such as Medical Centres, Counselling Services, Local Authorities etc, then these are always treated in accordance with guidelines provided within the Freedom of Information Act 2000.

It should also be noted that there are data-sharing agreements in place with certain local authorities

- A complainants written consent is always obtained when requesting medical records.
- Our requests for third party material from Statutory bodies such as Adult and Child Services and consent are often driven by the requirements of the Body. Records are applied for locally and nationally and it is frequently the case that different bodies require different authority and – on some occasions - none at all.
- Once any third party material is with CPS they will also always seek the consent on the complainant before any material is disclosed.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk