

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:

1. Does your force collect digital information from devices belonging to complainants of sexual offences? If yes, please provide:

1) We do encourage officers to consider the examination of victim's phones when deemed a reasonable line of enquiry. We always take an approach which is based on consent.

i. The legal basis under which you are doing this

The responsibility lies with all officers and appropriate staff to acquaint themselves with the Disclosure Manual.

https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/Disclosure%20Manual_0.pdf

The National Disclosure Improvement Plan and Disclosure Guidance on Communication Evidence have been produced to provide guidance for all offences.

ii. Copies of any policy or guidance in relation to this practice

Current guidance in relation to this advises the following in relation to device extraction.

Mobile phones and media devices should be referred to the Force Hi-Tech Unit or OCU Hi-Tech Unit for examination where required. Where technical examination of a mobile phone is considered, advice on recovery of the phone should be taken from a Hi-Tech Officer. Some devices are able to provide intelligence of the geographical location of where the device was when used.

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:

We do seek consent to access third party material. Consent is obtained verbally and would expect an officer to record this in a statement or investigation log.

i. A copy of the consent form/s or statement/s you use and require them to sign to show their consent

We do seek consent to access third party material. Consent is obtained verbally and would expect an officer to record this in a statement or investigation log.

ii. A copy of any information provided to complainants about this process

We do not have any recorded information in relation guidance given, this is completed verbally.

iii. A copy of your policy or guidance in relation to this practice

<https://www.cps.gov.uk/sites/default/files/documents/publications/Joint-Protocol-on-Third-Party-Material-2018.pdf>