

12 November 2018

Freedom of Information Request - Reference No: 20181924

REQUEST 1

I write to request information and records under the FOIA, regarding your force's access, collection, analysis and disclosure of digital evidence and personal records from complainants of sexual offences. Specifically, I am asking the following:

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 the number of times complainants have withdrawn their complaint or their support for the investigation at the point they were asked to hand over their digital device or information.

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.

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 the number of complainants who have withdrawn their complaint or their support for the investigation after being asked for their consent to their device and personal information being collected by the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.

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.

REQUEST 2

I write to request information and records under the FOIA, regarding your force's access, collection, analysis and disclosure of digital evidence and personal records from complainants of sexual offences. Specifically, I am asking the following:

1. Does your force currently use any form of artificial intelligence, machine learning, or other automated system to analyse the digital information collected from complainants of sexual offences' digital devices? For reference, "collected" 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 system or technology that your force is currently using.
 - ii. for what purpose the system or technology is being used.
2. Is your force currently trialling any form of artificial intelligence, machine learning, or other automated system to analyse the digital information collected from complainants' digital devices or have plans to trial or use this technology in the next 2 years? If yes, please provide details of:
 - i. the system or technology that your force is planning on using or trialling.
 - ii. for what purpose the system or technology will be used.
3. Does your force currently request, access or obtain information about complainants of sexual offences from third parties as part of investigations into sexual offences, including but not limited to material held by local authorities, medical and psychiatric records, counselling records, and school or education records? If yes please provide details of:
 - i. the number of times any of this information about complainants has been requested and/or accessed, in the last 12 months.
 - ii. the number of times complainants' psychiatric records have specifically been requested and/or accessed, in the last 12 months.
 - iii. the number of times complainants' counselling records have specifically been requested and/or accessed, in the last 12 months.

RESPONSE

The two Freedom of Information requests have been received within 60 consecutive working days with an overarching theme in terms of the nature of the information requested. As such, they have been aggregated in accordance with the conditions laid out in the Fees Regulations.

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a. states that fact,
- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

Section 12(2) – Exemption where cost of compliance exceeds appropriate limit

Whilst the above two requests have been aggregated for cost purposes, I have no doubt that just one request alone would exceed the 18 hour cost threshold. A significant and wide reaching amount of information has been requested. Aside from the remaining questions in this request, to answer just question 1 of Request 1, it would be necessary to manually review the manual records of each and every sex offence investigation to assess whether the information requested is even recorded.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours. . If you feel your endeavours can be achieved within the appropriate limit by refining your request, South Yorkshire Police would be more than happy to consider any further request.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf