

29th July 2021

Freedom of Information Request – Reference No:20211411

REQUEST

- **Please provide the number and a breakdown of digital devices eg mobile phones/laptops/desktop computers/games consoles/cameras belonging to complainants and victims waiting to be forensically examined by your force as of today's date? Please state for how many days each device has been waiting to be forensically examined.**
- **Please provide the number and a breakdown of digital devices eg mobile phones/laptops/desktop computers/games consoles/cameras belonging to defendants and suspects waiting to be forensically examined by your force as of today's date? Please state for how many days each device has been waiting to be forensically examined.**
- **Please provide the number of cases to which the aforementioned digital devices relate, which are waiting to be forensically examined as of today's date?**
- **Please provide the number of instances and a breakdown of digital devices eg mobile phones/laptops/desktop computers/games consoles/cameras belonging to complainants and victims where personal data or the device itself has been lost by the force in the past five financial years (including the year to date). Please state whether those personal data or digital devices were lost before or after having been forensically examined by your force in the past five financial years (including the year to date).**
- **Please provide the number of instances and a breakdown of digital devices eg mobile phones/laptops/desktop computers/games consoles/cameras belonging to defendants and suspects where personal data or the device itself has been lost by the force in the past five financial years (including the year to date). Please state whether those personal data or digital devices were lost before or after having been forensically examined by your force in the past five financial years (including the year to date).**
- **Please provide the number of Forensic Digital Examiners currently employed by your force's High Tech Crime Unit or in Kiosk facilities to examine digital devices eg mobile phones/laptops/desktop computers/games consoles/cameras belonging to victims and witnesses. Please include any other police officers or staff with titles other than Forensic Digital Examiners who are assigned to this task, and please include other departments other than the High Tech Crime Unit/Kiosk facilities if applicable.**

- Please provide the number of Forensic Digital Examiners currently employed by your force's High Tech Crime Unit or in Kiosk facilities to examine digital devices eg mobile phones/laptops/desktop computers/games consoles/cameras belonging to defendants and suspects. Please include any other police officers or staff with titles other than Forensic Digital Examiners who are assigned to this task, and please include other departments other than the High Tech Crime Unit/Kiosk facilities if applicable.
- Please state the force's target timeframe (in days) for digital devices to be examined.
- Please confirm whether the force has met that aforementioned target timeframe in each of the past five financial years (including the year to date)?
- Please confirm the process by which the length of time that an electronic device is kept by the force is recorded.
- Please provide the number of occasions where the amount of time a digital device has been kept by your force exceeded the estimate given to a victim or witness.
- Please provide the number of occasions where the amount of time a digital device has been kept by your force exceeded the estimate given to a defendant or suspect.

RESPONSE

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 – Exemption where cost of compliance exceeds appropriate limit

I contacted the Digital Forensic Manager for assistance with your request. They have advised that the case management software currently used cannot distinguish this kind of breakdown required in relation to questions 1 and 2 of your request. It would require a manual review of all the submissions received to ascertain if they were relevant to your request, to see what kind of digital device has been submitted, and then also cross

reference with other systems to establish if the device belonged to a suspect/perpetrator or victim.

This does not take in to account that in order to confirm if we had met timeframe targets for submissions over the past 5 years, again, this would require a manual review of all cases to ascertain if the date was met.

I have interpreted 'estimate' in questions 11 and 12, as a time given to a victim/witness/suspect. We would need to retrieve and review all property database records relevant to your request, to see firstly if an 'estimate' was recorded as given to a victim, witness, defendant or suspect, and if so, if it had been released after the 'estimate'.

In essence, this process would greatly exceed the 18 hours' work.

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.

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

Under Section 16 of the Freedom of Information Act 2000, my duty to provide advice and assistance to persons who have made request for information, please be advised that South Yorkshire Police can offer the following advice as to how to refine your request:

We could provide information on questions 6 – 8 and 10, subject to any relevant FOI exemptions.