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Our Ref: FOI2018/06581

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/06581

I write in connection with your request for information received on 13th November. I note you seek access to the following information:

Thank you for the response. In view of your response, I would like to submit a revised request.

Four of the submitted questions (1, 2, 3 and 4) were straightforward yes / no questions in relation to your force's current operations, and therefore answering them would clearly not have exceeded the time and cost limit. Please can you provide me with answers to the four basic yes / no questions?

Questions 1(i) and 1(ii) should be possible based on records held by your forces Digital Forensics Unit, as such information has been provided by other forces. Please can you provide an answer to these question?

Question 2(i) and 2(ii) asks if your force has any digital devices awaiting examination, and the number of devices. This does not require a manual search of all sexual offences, and this information has previously been requested and provided by your force as well as all other UK forces. Please can you provide an answer to these questions?

Question 3 (ii) is possible to provide information as other forces have indicated such information is available automatically, specifically the number of complainants who have given their consent to the disclosure of personal information from digital devices. Please can you provide an answer to this question?

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.**

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:

- ii. the number of complainants who have given their consent, via consent or 'Stafford' statements, in the last 12 months.**

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

Following enquiries within the Constabulary please see our response below.

Response – The information you have requested is not centrally recorded by Hertfordshire Constabulary. In order to retrieve all the information requested will involve a manual search of all sexual offences to be determine if information is held.

Unfortunately this means it is not possible to suggest a way to refine this request, as even if the date range were reduced it would still require hundreds of records to be manually checked.

We therefore, consider that the cost of complying with your request for information would exceed the appropriate limit of £450 as has been stated in the Freedom of Information (Fees & Appropriate Limit) Regulations 2004.

Section 12(1) of the Freedom of Information Act 2000 provides that –
“Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.”

Section 17(5) of the Freedom of Information Act 2000 requires Hertfordshire Constabulary, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice under Section 12 of the Freedom of Information Act.

Should you have any further enquiries concerning this matter please do not hesitate to contact me quoting the above reference number.

Yours sincerely

James Hodson
Information Rights

Hertfordshire Constabulary provides you the right to request an independent review of this response under its review procedure. If you require such a review you must notify us within two months from the date of this letter. After lodging a complaint with Hertfordshire Constabulary if you are still dissatisfied with the decision you may make an application to the Information Commissioner. For information on how to make a complaint please visit their website at <https://ico.org.uk/concerns/> or contact them on 0303 123 1113.