

27 June 2025

FOI Ref 21305

Request - You asked us the following:

I write to request information under the Freedom of Information Act 2000.

We are conducting research into police practices concerning the extraction of digital data from victims of rape and serious sexual offences (RASSO), particularly in light of the updated statutory framework introduced by the Police, Crime, Sentencing and Courts Act 2022 and the associated Code of Practice.

Specifically, we request disclosure of the following information:

1. Policies and guidance
 - a. Please provide copies of any current internal policies, procedures, guidance documents, or internal forms used by your force in relation to the extraction of digital data from victims or witnesses in RASSO investigations.
 - b. Please provide copies of any standard forms, information packs, or other materials provided to victims or witnesses when requesting access to their mobile phones or proposing a download of their data.
2. Compliance with new legal framework
 - a. Has your force adopted the new Code of Practice issued under section 37 of the Police, Crime, Sentencing and Courts Act 2022? If so, please provide the date of adoption and any associated implementation documents.
 - b. Has your force issued any training or operational guidance to officers on the use of the Code and the new statutory framework? If so, please provide details (including training materials if available).
3. Technology and digital extraction tools
 - a. What tools or software systems are currently used by your force to extract digital data from mobile phones in the context of RASSO investigations? Are these tools used consistently across all RASSO cases?
 - b. Are these tools configured to allow selective extraction (i.e. only of relevant material), or are they routinely used for full downloads?
 - c. Has your force conducted any audits or reviews of the use of digital extraction tools since the introduction of the new legislation and Code of Practice?
4. Oversight and accountability
 - a. Does your force have a panel or mechanism for reviewing RASSO cases where a victim or witness has challenged a request for access to their digital data? If so, does that panel or mechanism remain in place?
 - b. Does your force collect internal data on how many times digital data has been extracted from victims or witnesses in RASSO cases in the past two calendar years? If yes, please provide those figures.

c. Has your force received any complaints about mobile phone data extraction practices from victims or witnesses in RASSO investigations during the last two years? If so, please provide the number of such complaints.

We understand that some of this information may be held across departments or may involve redactions to protect personal data. We are only requesting documents and information that can lawfully be disclosed under the Act.

Clarification received from applicant 17/06/2025:

To clarify, when I referred to “implementation documents” in Question 2(a), I meant any internal documents your force may hold in relation to the adoption or operationalisation of the Code of Practice issued under section 37 of the Police, Crime, Sentencing and Courts Act 2022. If those documents overlap with your response to Question 1, please feel free to confirm that.

This could include (but is not limited to) internal communications, briefing notes, training materials, or other guidance issued to assist with implementation.

We received your request on 07/05/2025 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police’s response to your enquiry is as follows:

Staffordshire Police holds some of the requested information.

1. Policies and guidance
 - a. Please provide copies of any current internal policies, procedures, guidance documents, or internal forms used by your force in relation to the extraction of digital data from victims or witnesses in RASSO investigations – **Partially disclosed, please see the accompanying file entitled ‘FOI 21305 DPNa Form’.** Likewise, please see below for advice and assistance regarding the DPNb form.
 - b. Please provide copies of any standard forms, information packs, or other materials provided to victims or witnesses when requesting access to their mobile phones or proposing a download of their data. – **Partially disclosed, please see the accompanying file entitled ‘FOI 21305 DPNa Form’.** Likewise, please see below for advice and assistance regarding the DPNb form.
2. Compliance with new legal framework
 - a. Has your force adopted the new Code of Practice issued under section 37 of the Police, Crime, Sentencing and Courts Act 2022? If so, please provide the date of adoption and any associated implementation documents. – **Partially disclosed, yes our force has adopted the new Code of Practice. Likewise, we do not hold any data for the date of adoption and any associated implementation documents other than the forms supplied above.**
 - b. Has your force issued any training or operational guidance to officers on the use of the Code and the new statutory framework? If so, please provide details (including training materials if available).



– Partially disclosed (section 40), please see the accompanying file entitled ‘FOI 21305 Digital Processing Notice Guidance’.

3. Technology and digital extraction tools
 - a. What tools or software systems are currently used by your force to extract digital data from mobile phones in the context of RASSO investigations? Are these tools used consistently across all RASSO cases? - **Withheld, section 31.**
 - b. Are these tools configured to allow selective extraction (i.e. only of relevant material), or are they routinely used for full downloads? - **Withheld, section 31.**
 - c. Has your force conducted any audits or reviews of the use of digital extraction tools since the introduction of the new legislation and Code of Practice? - **Disclosed, yes.**
4. Oversight and accountability
 - a. Does your force have a panel or mechanism for reviewing RASSO cases where a victim or witness has challenged a request for access to their digital data? If so, does that panel or mechanism remain in place? – **Disclosed, yes.**
 - b. Does your force collect internal data on how many times digital data has been extracted from victims or witnesses in RASSO cases in the past two calendar years? If yes, please provide those figures. – **Disclosed, During 2023 and 2024 - 136 extractions were performed.**
 - c. Has your force received any complaints about mobile phone data extraction practices from victims or witnesses in RASSO investigations during the last two years? If so, please provide the number of such complaints. – **Disclosed, nil.**

The following exemptions have been applied:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for parts of this particular request.

- Section 21(1) - Information reasonably accessible by other means.
Section 21 is an absolute, class-based exemption and as such there is no requirement to quantify the harm that may arise from the disclosure, nor is there a requirement to perform a Public Interest Test.

- Section 40(2) Personal Information
Section 40(2) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third-party information held by Staffordshire Police, would breach the data protection principles; namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Personal and third-party information cannot be released under the Freedom of Information Act.

Disclosure under Freedom of Information is a release of information to the world in general and not an individual applicant.

- Section 31 (1) (a) (b) - Law Enforcement.

Information is exempt from disclosure under section 31 (1) (a) (b) where the release of Information would, or would likely to, prejudice the prevention and detection of crime and/ or the apprehension or prosecution of offenders. This exemption is qualified and prejudice-based and, as such, we are required to evidence the harm in disclosure and apply the public interest test.

Harm:

Releasing information about digital extraction tools about mobile phones would prejudice law enforcement by exposing technical capabilities and potential vulnerabilities. This information could be exploited by criminals to evade detection, manipulate digital evidence, or deploy digital techniques. This knowledge could help attackers refine their methods to improve their chances of success. This would have a huge impact on the effective delivery of operational law enforcement as it would leave forces open to cyberattack which could impact computer devices.

Public Interest Test

Factors favouring disclosure under Section 31(1)(a)(b)

To disclose this information would adhere to the basic principle of being open and transparent, it would also lead to a better public awareness of the workings of the police force and the use of technology in investigations.

Factors favouring non-disclosure under Section 31(1)(a)(b)

Releasing such data would give those individuals with the intent to do so, the intelligence required to disrupt police activity. This knowledge would allow those with ill intent to target their offending more effectively which would inevitably lead to an increased likelihood of criminal activity and an increased danger to the public. Any disclosure of information which is likely to undermine the ability to serve the public in preventing and detecting crime can only be considered as being harmful to the public and may encourage targeted cyberattacks against systems.

Balance test

Staffordshire Police is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst the factors favouring disclosure are important in that it would adhere to the basic principle of being open and transparent, disclosing specific digital extractions tools could pose a clear risk to investigative integrity. We believe when weighed against the risk of disclosure undermining our ability to prevent and detect crime and hindering our ability to protect the public, then non-disclosure takes precedence.

Please note that this data has been provided to the best of our ability, subject to the limitation of current recording protocols and systems/software.

Advice and assistance

In order to comply with our obligations under Section 16 of the Act, the obligation to provide advice and assistance, please find below links to the information requested.

- [Police update notice for permission to search for relevant information on digital devices](#)

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire 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 within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

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 Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central 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 20 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



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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

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit