



Derbyshire Constabulary

Mr Stephen Haslett

Telephone: 101
Direct Line: 0300 122 8752
Ask For: Freedom of Information
Our Ref: 001897/17
Your Ref: Evidence Release Policy
Date: 10 July 2017

Dear Mr Haslett

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 001897/17

I write in connection with your request for information which was received by Derbyshire Constabulary on 22/06/2017. I note you seek access to the following information:

Under the terms of the Freedom of Information Act (2000), could you please provide me information regarding current police policy that authorises the release of evidence to commercial companies as instructed by legal clients in defence cases.

Can you please provide documentation of your forces policy relating to the release of (i) digital forensic images (covering evidential computer devices such as hard disk drives and memory cards), and (ii) physical digital devices, covering evidential items such as smartphones and satellite navigation devices.

Result of Searches

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

Decision

I have today decided to disclose the located information to you in full. Please see the attached document.

I also need to add that although your request asks for a copy of a specific document the Freedom of Information Act 2000 provides a right of access to information only, it does not provide a right of access to documents. The consideration by the public service is whether the provision of copies of documents, is in their view, the most effective and expedient manner of dealing with the issue of disclosure. The public service, in this instance, the Derbyshire Constabulary therefore has a choice to provide either

- a) a summary of the information or
- b) a copy of the individual items within a file / record / report etc – this may need to be redacted in line with exemptions to material included within a document.

The legislation relating to this part of the request is Sections 1 and 84 of the Freedom of Information Act 2000. The legislation has been clarified by virtue of an Information Tribunal Decision. The current legal standing for this is Information Tribunal Decision - N. Ingle v Information Commissioner 29 June 2007 (EA/2007/0023) paragraph 7 which is reproduced below for your convenience

"The right to information conferred by section 1 of the Freedom of Information Act is just that, a right to information; it is not a right to see particular documents, but to the information contained within them. Moreover, information is defined in section 84 of the act as "information recorded in any form". The Act only gives a right to recorded information".

This by extension to Section 1 (1) (a) only relates to information which is recorded and held "at the time of receiving the request".

In this instance the Derbyshire Constabulary is providing you with a copy of the relevant guidance.

Right to Request a Review (Complaint)

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea
Freedom of Information Officer

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