

Miss S Carlo
Big Brother Watch
55 Tufton Street
London
SW1P 3QL

4 December 2018

Dear Miss Carlo

Thank you for your letter dated 9 November in which you raise concerns about the collection, analysis and disclosure of complainants of sexual offences' personal information and the use of 'consent' statements.

Given the context, the significance of the data protection and privacy issues and the fact that public confidence in the criminal justice system is a central theme, the ICO will be investigating this as a priority.

Our investigation will take a whole "ecosystem approach so that we can understand the journey that victims' personal and sensitive data takes through the criminal justice system. We will identify the key areas of data vulnerability and compliance concern, as well as any areas of good practice. Whilst the investigation will alight on the issues you raise about the reliance on Stafford Statements, specifically issues of consent under DPA 2018 Part 3 and about excessive and disproportionate collection and processing, we want to look more broadly at these and any other data processing concerns from the point an allegation is made, through criminal investigation and disclosure and onto victim compensation. I know you will appreciate this is a significant but important undertaking for the ICO. You refer in your letter to our investigation into data privacy and protection issues arising from the extraction of victims' data from mobile phones and there are clearly important crossovers between the two investigations which will be fully considered.

You raise the important issue of artificial intelligence. As you know AI is one of our regulatory priorities. Given the scale of technological advancement in this area and its significance in data protection and privacy terms, it is likely that our research into AI, including in the important area of law enforcement, will extend beyond the scope of this investigation, but



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we will certainly be discussing its use and application when we engage with the police.

Andy White, Director of High Priority Investigations and Intelligence will lead the investigation. He and his team would welcome the opportunity to discuss the issues you have raised in more detail and will be in contact to arrange that. We will be engaging with the Police Service, court services, prosecuting agencies and compensation authorities as well as Victims' Groups. We have also written to Max Hill QC, DPP and to Sara Thornton as Chair of NPCC to advise them of this investigation and will be engaging with them directly on the issues raised. I will update you on the developments in the investigation once it is underway.

I would be grateful if you could confirm our position to the Centre for Women's Justice who are copy recipients to your letter.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'J. Dipple-Johnstone', with a flourish at the end.

James Dipple-Johnstone
Deputy Commissioner