

c/o PO BOX 481  
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Hampshire  
PO14 9FS

Tel: 02380 478922

Email: [npcc.foi.request@npfdu.police.uk](mailto:npcc.foi.request@npfdu.police.uk)

30/11/2022

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 389/2022**

Thank you for your request for information regarding DPNs; which has now been considered.

**Applicant Question:**

Please send me a blank copy of the new DPN you developed that must be completed by an authorised person when extracting information from an electronic device.

'New legislation standardises how and when the police can lawfully extract information from an electronic device if it has been voluntarily provided. The extraction of information powers are supported by a statutory code of practice published by the Home Office. The code provides guidance to authorised persons on when and how to exercise these powers.'

Officers at the rank of inspector (known as a sanctioning officer) now need to make the decision about whether to approve an authorised person to extract information from an electronic device.

This can include (but is not limited to):

mobile phones  
tablets  
laptops

New digital processing notices (DPNs) have also been introduced and released to Home Office forces. These were developed by the National Police Chiefs' Council (NPCC) in collaboration with the College and the Crown Prosecution Service (CPS), with stakeholder consultation. The DPNs should be completed by the authorised person and signed off by a sanctioning officer.'

<https://www.college.police.uk/article/extraction-information-electronic-devices-guidance-sanctioning-officers>

**NPCC Response:**

The NPCC does hold information captured by your request. Your request engages a S21 exemption for Information Reasonably Accessible By Other Means. For further information relating to the exemption, please see Annex A.



In wishing to assist you, I have provided a direct web-link to the information on the NPCC website, and additional information that may be of interest to you:

Digital Processing Notice can be found [here](#).

Further information – links DPN b,c and d can be found [here](#).

Yours sincerely

**Sherry Traquair**

NPCC Freedom of Information Officer & Decision Maker

[www.npcc.police.uk](http://www.npcc.police.uk)

## **COMPLAINT RIGHTS**

### Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## Annex A

Section 17 of the Freedom of Information Act 2000 requires the NPCC, when refusing to provide information by way of exemption in question and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a refusal notice to those aspects of your request.

### **The legislation: Section 21 Information reasonably accessible to the applicant by other means**

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
  - a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
  - b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

S21 is an absolute exemption and there is no requirement to conduct a public interest test.

### **Legislation – Section 16**

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.