

To: Chief Constables and Commissioners of Police Forces in England and Wales

cc: Force Data Protection Officers

By email only

19 June 2020

Information Commissioner's investigation into Mobile Phone Extraction (MPE)

You may be aware that the Information Commissioner's Office (ICO) has recently completed the first part of an investigation into the practice of forces extracting data from mobile phones in the context of criminal investigations. I am pleased to share with you [the report of our findings](#).

Our investigation found inconsistencies in the approach to the acquisition, processing and management of digital materials across the policing landscape. We are concerned that victims and witnesses may have lost confidence that their privacy and that of their friends and relatives may be unduly impacted by unnecessary or excessive processing of data from mobile phones.

We acknowledge this is a complex area, and we would urge you to study the technical detail in our report in addition to reading the recommendations. We have listened to representatives of all those involved in the criminal justice system during our review and I would like to thank those of you and your teams who have contributed to our work.

The National Police Chiefs' Council, the College of Policing, the Crown Prosecution Service and the Home Office have already begun work to address the issues we raise in our report and to consider our recommendations.

We have requested that the NPCC coordinates and supports forces in addressing the issues we have raised, and I would therefore encourage you to engage with the NPCC to ensure you understand the work being undertaken at a national level. It is important that a consistent approach is adopted across England and Wales.

Whilst we are confident that work will be undertaken at pace at a national level, I would like to reassure you of our commitment to continue to work on these issues. I would also like to remind you that, as a competent authority, you remain accountable for the law enforcement processing of personal data undertaken by your force. I would therefore like to encourage you to review with your Data Protection Officer your local arrangements, to satisfy yourselves that your MPE processing takes account of the findings of our investigation and is compliant with the relevant legislation.

In line with our Regulatory Action Policy, we have committed to continuing to work at a national level with the NPCC and the College of Policing, along with other national bodies, to assist them in understanding and implementing our recommendations.

Should you or your team have any enquiries about the content of the report, please feel free to contact Mark Jones (mark.jones@ico.org.uk) in our investigations team.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Dipple-Johnstone', enclosed in a thin black rectangular border.

James Dipple-Johnstone
Deputy Commissioner (Regulatory Supervision)