



Rt Hon Dame Diana Johnson MP
Home Affairs Select Committee Chair

20 January 2023

Police requests for Third Party Material: Public Consultation Response

Dear Dame Diana,

I am pleased to announce that the government's response to the consultation on police requests for third party material has now been published. It is available here: [Police requests for third party material - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/police-requests-for-third-party-material)

The consultation ran from 16 June 2022 for 8 weeks and closed on 11th August. It received over 400 responses from a range of interested parties such as the police, CPS, Victim Group representatives, victims, and third-party material providers. The consultation enabled us to gain a greater understanding of the issues in this area and to test support for new statutory duties with respondents.

Consultation response summary

- The findings in the Rape Review were corroborated, in that respondents agreed that police requests for third party material in Rape and Other Sexual Offence (RAOSO) cases are sometimes unnecessary and disproportionate and may seek only to establish the credibility of the victim rather than establish the facts of the case.
- Unnecessary and disproportionate requests for third party material may originate with the police, CPS or defence lawyers. It was not possible, based on the responses to the consultation, to determine exactly how many requests originate with the different sources.
- The amount of time it takes for the police to issue a third party material request varies hugely, as does the amount of time it takes for third parties to respond. However, most respondents were clear that a slow response to requests for third party material can cause significant delays to an investigation.

- There is inconsistent practice across the country with some police officers, forces and CPS areas consistently making necessary and proportionate requests for third party material, and some not.
- The vast majority (over 70%) of respondents agreed with the proposed new statutory duties.

Next steps

We intend to pursue new statutory duties regarding police requests for third party material when Parliamentary time allows . These proposals aim to standardise police requests for third party material, provide a legal safeguard to victims so that they can be confident that third parties will only be asked for information that is necessary, proportionate and in pursuit of a reasonable line of enquiry, and provide third parties with the information they need to process requests in a timely fashion. This approach is further supported by the House of Commons Justice Committee's Pre-Legislative scrutiny of the draft Victims Bill, published in September 2022, which highlighted the need for legislation to support proportionate third party material requests.

While new legislation will go some way to addressing the issues in this space, change is needed across the criminal justice system to ensure that all those who deal with requesting and processing third party material do so proportionately. We will continue to work across the criminal justice system and identify any further opportunities to improve the outcomes for victims.

If you wish to discuss these issues further, I would be happy to do so.

Yours Sincerely,

A handwritten signature in blue ink, reading "Sarah Dines", followed by a small comma.

Sarah Dines MP
Parliamentary Under Secretary of State (Minister for Safeguarding)