



Dame Vera Baird
Office of the Victims Commissioner
By e-mail only

29 June 2022

Dear Dame Vera,

Thank you for your letter of 22 June. I appreciate the time you have taken to read through the consultation and for setting out your views.

The Government has made much progress in relation to police requests for victims' personal data, although these were regrettably not referenced in the recent ICO Opinion. Most notably, there was no reference to the Police, Crime, Sentencing and Courts Act, which, as you are aware strengthens the law to ensure that police don't make excessive requests for digital information belonging to victims.

I noted your comments on the consultation. Whilst there have been multiple mentions of the issues related to third party material across several reports, this consultation focuses solely on this topic and will give us deeper insight. For example, we know that lengthy investigations can add to victims' distress and we need to better understand why it can take a long time for these requests to be fulfilled.

The consultation will additionally allow us to test policy proposals, which we have developed based on the existing information we have about the problems associated with requests for third party material. Victims will be at the heart of any changes we make in this area. However, we also need to ensure that updates to legislation, policy or process are workable for operational partners, which is why we are also seeking their views as part of the consultation.

The Attorney General's Office have looked closely at the issues you have raised around the removal of the Alibhai case from CPS guidelines. I agree with the Attorney's position on the matter, which is well expressed in the recent Annual Review of Disclosure.

Regarding your specific comments on the new duties proposed within the consultation, NPCC are currently developing new third party material notices that require officers to set out why a request is proportionate. I understand that these notices have been sent to your office as part of NPCC's consultation and welcome your input to ensure they are fit for purpose.

Finally, thank you for your additional recommendations. In terms of legal support for victims, the Ministry of Justice has recently concluded a consultation on this issue. The responses to this consultation are being carefully considered, and I believe officials are engaging with

you on this work. I also note your recommendation for the legislative provision for privilege around therapy notes. I will liaise with my colleagues across government to make them aware of your recommendations as these may fall outside of the scope of this consultation.

Thank you again for your commitment to this work, for which I am most grateful. I look forward to your response to the consultation and to seeing you on June 29 at the roundtable session to discuss these issues.

A handwritten signature in black ink, appearing to read 'Rachel Maclean', followed by a period.

Rachel Maclean MP
Minister for Safeguarding