

## Justice Committee

### Criminal Justice (Scotland) Bill

#### Supplementary written submission from the Crown Office and Procurator Fiscal Service

##### Evidence on the secure email system

I can confirm that the secure email system referred to on the Crown Office and Procurator Fiscal Service (COPFS) website is the Ministry of Justice hosted application Criminal Justice Secure Email [www.cjsm.net](http://www.cjsm.net).

By way of background, COPFS has continually sought to improve the efficiency and effectiveness of its communication with defence solicitors. The introduction of the use of Criminal Justice Secure Email is the latest step in this process and should be viewed in conjunction with other COPFS initiatives over recent years such as electronic disclosure of evidence to the defence through the development by COPFS of our secure disclosure website.

As was appreciated by the Committee, any email system used for communication between prosecution and defence must be secure because of the sensitive nature of much of the general information contained in correspondence around criminal charges and which must at times include personal data .

The Crown has always used secure Government hosted email networks as do the police and Scottish Courts and that means that all of the criminal justice public authorities send email between one secure network to another. COPFS was formerly part of the Government Secure Internet (gsi) and is now a member of the Public Service Network (psn).

The issue that arose when we wanted to explore use of email communication with the defence was that the Crown had secure email while defence solicitors did not. They had individual arrangements for email accounts with no overarching facilities supplier arrangements.

We will not send email containing sensitive data to an insecure network as that would invalidate our secure network authorisation and violate the Data Protection principles (which defence agents are also required to comply with).

It became apparent that the quickest and simplest initial solution was for the Crown to facilitate arrangement of use of a current secure network for parties outwith Government networks. In the short term it was recognised that CJSM was available immediately while time was going to be needed to explore any potential longer term solutions.

CJSM allows secure email transmission between various Government Secure networks and private web based email accounts.

Over 600 defence agents and all Faculty of Advocates members are now currently registered. CJSM can be used by defence representatives in both Summary and Solemn cases, it is not reserved to just High Court or Sheriff & Jury business.

The matters that Mr Dunn referred which caused some initial difficulties to defence solicitors making use of CJSM were that CJSM is set up so that if any user does not sign into their CJSM account for 30 days then their password is locked and they have to contact a CJSM administrator to have it unlocked. If any account has been inactive for a period of 90 days, then that account will be suspended and will require to be reactivated via the administrator. If an account has been inactive for 180 days it will be deleted

All of these conditions were clearly set out when users signed up to CJSM however, as with all new systems, it has taken time for some new users to fully engage with the system.

The introduction of the use of CJSM by defence solicitors was monitored by COPFS from the outset. We noted that the lack of regular use by some defence agents initially caused them to experience some of the issues referred to above. To minimise inconvenience COPFS is discussing with the Ministry of Justice a change to the current arrangements and place COPFS in the position of as administrator for the defence solicitors in Scotland which would allow quick reinstatement of access to CJSM if such issues arise.

COPFS is currently reviewing all methods of communication with defence agents with the aim of further improving the time taken to exchange all information necessary to allow the most efficient resolution of cases. We will be working with defence solicitors locally in the coming months to explain the revised processes we are putting in place and detail the benefits of using the secure email system and dedicated phone numbers referred to by Mr Dunn.

I hope this summary of the position is of assistance.

Danny Kelly  
Policy Division  
10 January 2014