



The Scottish Parliament
Pàrlamaid na h-Alba

Dr Ken Macdonald,
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Health and Sport Committee
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11 June 2020

Dear Ken,

Health and Sport Committee consideration of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill

On the 9 June 2020, the Committee heard evidence from Filippo Capaldi, Detective Superintendent at Police Scotland and Gillian Mawdsley, Secretary to the Criminal Law Committee at the Law Society of Scotland in relation to the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill.

Following the session, the Committee are keen to hear the Information Commissioner's Office's views on the issues highlighted and topics discussed during the session.

The following resources are now available:

- [The Official Report](#)
- [Broadcast recording of the session](#)

In Annexe A, we enclose below a list of questions that we put to Mr Capaldi and Ms Mawdsley during the session. We are particularly interested to hear your views on the evidence presented in relation to these questions, to ascertain if there are areas of agreement or disagreement and if you have any additional evidence to add.

On behalf of the Committee, I request a response by Thursday 18 June 2020 and I look forward to hearing from you.

Yours sincerely

A handwritten signature in blue ink that reads "Lewis Macdonald". The signature is written in a cursive style with a prominent underline for the first letter 'L'.

Lewis Macdonald
Convener, Health and Sport Committee

Annexe A

List of questions from the Health and Sport Committee meeting on 9 June 2020

Please note, you do not need to reply to each question unless you have additional evidence to add to the evidence from the session.

Retention service

1. Do you have any concerns about the type of evidence that should be collected and retained by health boards in cases of self-referral?
2. Do you believe important evidence could be lost if health boards are not able to store all evidence?
3. In cases of self-referral, should victims be able to request that evidence collected in the forensic medical examination be destroyed?
4. Should witnesses have a cooling-off period before evidence is destroyed?
5. In cases of self-referral when should victims be notified that the evidence from their forensic medical examination will be destroyed? Should they be able to request that their samples are retained?
6. What is your view on the need for a national storage standard across all NHS Boards to ensure consistency in storage and compliance with evidential considerations?

Timescales for retention

7. Do you have a view on the retention period for evidence in cases of self-referral?
8. Are you content that timescales for retention will not be specified in the Bill but set by Scottish Ministers in regulations (subject to affirmative procedure)?

Transfer of evidence

9. What is your view on the transfer of evidence from health boards?
10. Do you have any concerns related to the provision whereby Police Scotland will not be able to access evidence in self-referral cases unless a report of the incident is made by the victim?
11. Would there be any advantage of Police Scotland being made aware that a self-referred forensic medical examination had taken place, in terms of crime trend analysis?

Data

12. Do you foresee any issues in the Bill in relation to the processing or storing of personal data?
13. Do you have any concerns regarding placing a duty on health boards to store and transfer evidence, such as samples?
14. Are there any potential issues with continuity of evidence?

Anonymous database

15. Do you have a view on whether an anonymous DNA database would be useful in some cases?
16. Should it be possible for samples to be analysed without the victim reporting the offence?