

Date: 03 December 2018



The Convener
Justice Sub-Committee on Policing
Scottish Parliament
Edinburgh
EH99 1SP

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Dear Convener,

Thank you for your letter dated 20th November 2018 in relation to Police Scotland use of Digital Device Triage Systems (Cyber Kiosks).

It has been important to engage and listen to the views of partners and key stakeholders, including those expressed during evidence sessions of the Justice Sub-Committee on Policing. The valuable contributions made by all parties involved will help to shape our approach to the delivery of digital forensics in Scotland.

The established reference groups are due to meet again on the 10th January 2019, notwithstanding this I can provide assurance that Police Scotland has instigated a Cyber Capability Programme, and appointed ACC Steve Johnson as the Senior Responsible Officer (SRO). Can I further assure you and the committee that the Cyber Capability Programme will consider the views of all relevant parties, including those of Crown Office Procurator Fiscal Service, before making any recommendations around the suitability and proposed roll out of this particular technology which builds upon the existing capability provided by Cellebrite to fully examine all devices submitted to the Forensic unit.

The Cyber Kiosk provides the additional benefit of being able to triage devices thus enabling demand to be better managed prior to full examination.

Police Scotland Legal Services has provided advice which supports the legal basis articulated by the Police service to the Committee. This was provided under legal privilege to the Chief Constable and as is normal convention is not shared in full outwith Police Scotland. Whilst we remain confident of the current legal position and powers conferred on our officers to seize and examine digital devices as we currently do, we recognise this is a complex area of the law which may be worthy of review by Parliament.

Yours sincerely

Johnny Gwynne QPM
Deputy Chief Constable