

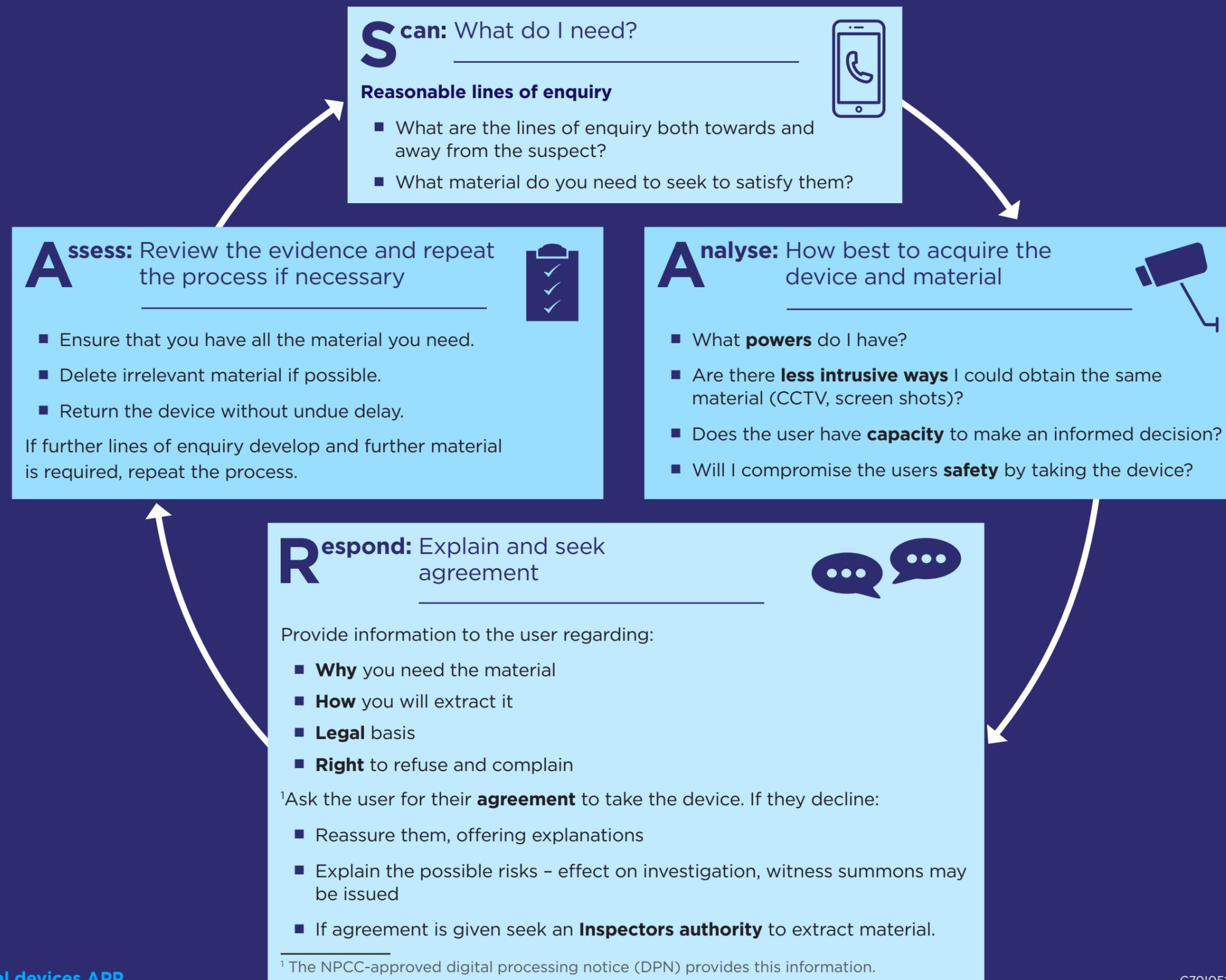
Two step process to acquire digital evidence

Step 1: acquiring the device using informed agreement

Step 2: extracting the material for law enforcement purposes under the DPA 2018

Use informed agreement to acquire the device from victims, witnesses and suspects where no other legal power is in place.

For suspects, it is likely that you will be using other powers, such as those conferred by the Police and Criminal Evidence Act (PACE) 1984.



Lawful basis

You can **acquire a device** with the agreement of the device user under common law. This does not give you **consent**, under the Data Protection Act (DPA) 2018, to extract the material.

Under the DPA 2018, you can extract material from the device for law enforcement purposes if:

- you have a **reasonable belief** that there is material on the device relevant to a line of enquiry
- you have considered other **less intrusive means** to obtain that material
- it is **strictly necessary** and **proportionate** to do so