

Appendix A

7 Communications Data

- 7.15 *Sections 37 to 44 of the Police, Crime, Sentencing & Courts Act (PCSCA) 2022 came into force on 8 November 2022. This provides Brent with a further power to extract data held on electronic devices. Before action is taken, there must be a reasonable belief that information stored on the device will be relevant for one of three scenarios and satisfaction that the extraction of the information is necessary and proportionate to achieve the purpose.*
- 7.16 *The three scenarios provided under s37 (2) PCSCA are for the purpose of:*
- (a) preventing, detecting, investigating or prosecuting crime;*
 - (b) helping to locate a missing person; or*
 - (c) protecting a child or an at-risk adult from neglect or physical, mental or emotional harm.*
- 7.17 *To ensure any extraction of stored communication under s.37 PCSCA remains lawful, it is essential that the criteria and procedures set out within the PCSCA and the association Code of Practice are fulfilled. A failure to follow these procedures correctly could result in a s.3 Investigative Powers Act (IPA) 2016 offence (unlawful interception) being committed.*