

Digital Device Journey Flow Process

There may be times depending on the circumstances and what potential evidence is on your device, that we need to take it, even if you refuse consent. We may also need to retain the device despite your withdrawal. In these cases, we will use one of the other powers (warrant or common law) to do so.

The Data Protection Act 2018 allows police to keep and use information taken from a device for the investigation, even if you withdraw your consent for police to retain the device itself.

For further information about these authorities see Police Scotland's *Digital Device Seizure and Examination Legal Basis*

