

Equality Impact Assessment [EIA] – Crime and Policing Bill

Clause “Extraction of online information following seizure of electronic devices”

1. Name and outline of policy proposal, guidance, or operational activity

This Equality Impact Assessment covers the following measures included in the Crime and Policing Bill:

1. Standalone power for law enforcement agencies to access and extract online information.
2. Amending Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act 2019.
3. Amending Police, Crime, Sentencing and Courts Act 2022 extraction powers.

Significant advances in technology over the past few decades led to an increase in cloud or internet-enabled services. Information that was once held locally on an electronic device is now more commonly stored in online accounts in the cloud. Online information may include personal data from social media or communications services, email services or others. Use of cloud-based services continues to grow, both as a matter of general practice and intentionally by criminals to frustrate investigations, who use these services to communicate, share material, or store information.

Police and other law enforcement agencies (LEAs) have a range of existing powers, including but not limited to those powers within the Police and Criminal Evidence Act (PACE) 1984¹, The Terrorism Act (TACT) 2000², National Security Act 2023³ Police, Crime and Sentencing Courts Act (PCSC) 2022⁴, that they may rely on to secure electronic evidence from electronic devices. These powers are used, respectively, to access and extract data in criminal investigations from electronic devices of suspects, victims, and witnesses, and to search electronic devices during national security examinations at UK borders.

Existing legislation was largely developed before the emergence of cloud-based technologies and does not explicitly address the circumstances under which online information may be accessed. The proposed legislation aims to provide a clear basis for law enforcement agencies to access online information, with appropriate safeguards in place to support the use of such data for evidential and intelligence purposes.

The Law Commission (2020)⁵ and the Independent Reviewer of Terrorism Legislation (2021)⁶ have both issued recommendations for the reform of powers for the extraction of online information powers in their related reports. In addition, reform of

¹ [Police and Criminal Evidence Act \(PACE\) 1984](#)

² [The Terrorism Act 2000](#)

³ [National Security Act 2023](#)

⁴ [Police, Crime, Sentencing and Courts Act 2022](#)

⁵ [Law Commission Report on Search Warrants \(2020\) - Law Com No 396](#)

⁶ [Independent Reviewer Terrorism Legislation - Report on The Terrorism Acts in 2021](#)

powers for the extraction of online information powers is expressed as a priority need by police and LEAs, giving necessity to the reform proposals.

This document considers the proposals individually and assesses whether they meet the standards of the PSED. The proposals considered in this document are as follows:

- i. Standalone power enabling law enforcement agencies to access specified online accounts to examine and extract online information, when a device has been lawfully seized under existing powers.
- ii. Amend the national security powers under Schedule 7 to the TACT 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act (CTBSA) 2019 to allow counter-terrorism policing officers to access specified online accounts to examine and extract online information when a device has been detained following a search or examination at a port or in the border area.
- iii. Amend the extraction of information from electronic devices powers in the Chapter 3, of Part 2 of the Police, Crime, Sentencing and Courts Act (PCSCA) 2022, to allow authorised persons listed in Schedule 3 of the PCSCA 2022 to extract information by means of an online account where, except in limited cases where the user of the account has died or is missing, the user has granted access to the account and agreed to the extraction of the information.

This document does not consider the proposal to amend Chapter 2 of Part 2 of the Investigatory Powers Act 2016 (IPA) to allow for the interception of communications required to access online information, where the access itself has already been authorised. The new IPA clause only applies where access to online information has already been authorised under the proposals considered in this document, meaning it does not have any additional impact.

Standalone power for police and law enforcement agencies (LEAs) to access and extract online information.

1. The government is introducing a new power for law enforcement agencies, subject to strong safeguards, to access specified online accounts and examine and extract online information where they have lawfully seized a device under existing powers.
2. This will require authorisation by a senior officer and may be exercised only when it is not reasonably practical to obtain the online information by other means. The exercise of the powers will also be subject to a statutory code of practice.
3. The power will sit alongside existing powers and provide a clear framework for overt access to online information. Extraction of this data from a seized device may increase the amount of information available to LEAs that may be used as evidence and be critical to criminal investigations.

Amending Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

1. Schedule 7 is an exceptional counter-terrorism power which enables police at ports and in the border area to examine individuals in order to determine whether they are, or have been, involved in terrorism (i.e. those falling within

section 40(1)(b) of TACT 2000), without any grounds for suspicion. Schedule 3 provides similar powers but for the purpose of determining a person's involvement in hostile state activity.

2. Counter-terrorism police currently have powers to detain and copy articles that they search or examine under Schedule 7 or 3. This includes the power to detain a digital device, make a copy of it (i.e. extract the data) and examine the copy for the purpose of determining whether someone is, or has been, involved in terrorism or hostile state activity.
3. The extension of these powers will allow counter-terrorism police to extract information in online accounts that have been accessed by way of digital devices they have detained. As part of this proposal, the government considers that we need to make three wider changes to ensure the extended powers can be operationalised by the police:
 - Amend the copying powers to ensure that police staff (who are best placed operationally to do the extraction) can do so with sound legal basis;
 - Extend the retention periods from seven days to fourteen days (with a review after the initial seven-day period) to ensure that counter-terrorism police have sufficient time to examine data held on both the device itself and in cloud accounts; and
 - Amend Schedule 3 to ensure that the Investigatory Powers Commissioner has the discretion to return a device to a person other than the person from whom the device was taken, for example in circumstances where the device does not belong to the person from whom it was taken.
4. Records for the number of cases in which digital devices are searched or examined and detained, or a breakdown by protected characteristics, are not available. However, we can assume the following:
 - Given the importance of data from phones and other devices for information gathering, the majority of searches and examinations under Schedules 7 and 3 are likely to result in the detention of devices.
 - As a result of increasing cloud storage capacity and the possible preference of people to store their data in the cloud, cloud accounts could likely be searched alongside data stored on the physical device.
 - Because a significant percentage of people who are searched or examined are likely to have their digital devices detained, this proposal will have broadly the same equalities impact as those identified for the search or examination of individuals generally.
5. Schedule 7 and 3 powers may be exercised against any person to whom paragraph 2 of Schedule 7 and paragraph 1 of Schedule 3 applies. The relevant codes of practice set out that the decision to examine someone must not be for arbitrary reasons or based on protected characteristics alone. While an examining officer does not need grounds for suspicion to examine someone under Schedule 7, it is not a randomly exercised power and has

become increasingly targeted.⁷ This means that we expect that the cohort stopped under Schedule 7 corresponds to the nature and scale of the threat from terrorism.

6. For national security reasons, the Government does not publish data relating to Schedule 3 stops.

Amending Police, Crime, Sentencing and Courts Act 2022 extraction powers

1. To amend Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (“PCSCA”) to extend the power of police constables and other authorised persons to extract online information from online accounts with the agreement of the account user, for the purposes of prevention, detection, investigation or prosecution of crime or safeguarding purposes.

2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty.

The evidence assessed in considering the duty include crime statistics, national statistics, offender profile statistics and available research.

The Department has particularly considered the following:

Standalone power for police and law enforcement agencies (LEAs) to access and extract online information.

1. Currently, LEAs do not systematically track the number of times local data is extracted from electronic devices, which is a common practice in criminal investigations, but our best estimate is that police forces examine approximately 175,000 devices a year. Due to the lack of available data, this analysis will consider the exercise of police powers and persons subject to the criminal justice system as the best proxy. Although not all investigations lead to an arrest, the department considers this data provides a proxy to estimate who is likely to be subject to a criminal investigation. As almost every criminal investigation has opportunities to recover digital evidence⁸, we could assume that individuals under investigation would likely be subject to this power. Therefore, without more specific data available, we consider the statistics to provide an indicative picture of the likely cohort of individuals who may be captured through this measure
2. We have reviewed data and summaries published for arrests and the demographics of individuals within the criminal justice system in England and Wales (arrest figures for terrorism offences are reported for Great Britain).

⁷ This is reflected in the publicly available statistics. In 2012, when records first began, Schedule 7 examinations totalled 61,049. In comparison, in the year to June 2024, there were only 2512. See also: Jonathan Hall KC, ‘[Independent Reviewer of Terrorism Legislation: Report on the use of Schedule 7 powers against Ernest Moret](#)’, (July 2023).

⁸ [An inspection into how well police and other agencies use digital forensics in their investigations – Report by HMICFRS 2022](#)

3. There is no publicly available data on the cohort of people who are currently or have been subject to a Terrorism Prevention and Investigation Measure (TPIM) notice under the TPIM Act 2011 due to the anonymity granted to those individuals by the courts.
4. However, published data on existing terrorist offenders may be useful to provide an indicative picture of the cohort of individuals who may be captured through this measure. This data is used as a proxy in the absence of specific data on this cohort.
5. There have not been any State Threat Prevention and Implementation Measures (STPIMs) imposed under the National Security Act 2023, so there is no available data for this cohort.
6. There is also no publicly available data on the cohort of people who are subject to powers within the National Security Act 2023.
7. We reviewed statistics published in the following publications and related data tables:
 - a. Police powers and procedures; Stop and search, arrests and mental health detentions, England, and Wales⁹. This statistical bulletin is one published annually by the Home Office, with the latest version published in September 2024, using data collated up to the 31 March 2024.
 - b. Ethnicity and the Criminal Justice System 2022¹⁰. This is the latest publication published in the series by the Ministry of Justice (MoJ), and compiles statistics from data sources across the Criminal Justice System, to provide a combined perspective on the typical experiences of different ethnic groups in England and Wales.
 - c. Women and the Criminal Justice System 2023.¹¹ This biennial report compiles statistics from data sources across the Criminal Justice System, and to provides data on different sexes within the criminal justice system in England and Wales.
 - d. Operation of police powers under the TACT 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain¹². This publication is released on a quarterly basis and provides the latest update on data available to December 2024.
8. The data in the above named publications provides a breakdown of specific protected characteristics of individuals arrested under the various legislative powers, including but not limited to PACE 1984 and TACT 2000, and for persons within the criminal justice system. This data comes from a range of sources;
 - Arrest statistics in the police powers and procedures publication come from the 43 territorial police forces in England and Wales.

⁹ [Police powers and procedures; Stop and search, arrests and mental health detentions, England, and Wales](#)

¹⁰ [Ethnicity and the Criminal Justice System 2022](#)

¹¹ [Women and the Criminal Justice System, 2023](#)

¹² [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to December 2024 - GOV.UK](#)

- Data on statistics relating to individuals within the criminal justice system are provided by the Crown Prosecution Service (CPS), Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS).
- Data on arrests for terrorism or terror related offences, and outcomes are provided by the Metropolitan Police Service (MPS) and Counter Terrorism Policing Headquarters (CTPHQ).
- Population data for disparity rates was provided by the 2021 Census¹³.

Amending Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

1. The latest public data on use of Schedule 7 can be found at: [Operation of police powers under TACT 2000, to December 2024](#) - GOV.UK. This provides a breakdown of the number of examinations and resultant detentions, including by ethnicity but not for the remaining protected characteristics. We consider that other data in this release (i.e. number of arrests and the self-identified religion of those in custody for terrorism offences) to be relevant as it paints a picture of the cohort involved in terrorism from which we could infer characteristics of those who are examined under Schedule 7.
2. We have also referred to the Independent Reviewer of Terrorism's reports, particularly his comments on the use of the power in 2022, as this informs questions of ethnicity. See: Jonathan Hall KC, '[Terrorism Acts in 2022: Report of the Independent Reviewer on the Operation of the Terrorism Acts 2000 and 2006, and the Terrorism Prevention and Investigation Measures Act 2011](#)' (November 2024).
3. Jonathan Hall KC has also commented on the increasing use of Schedule 7 in a targeted fashion. See: Jonathan Hall KC, '[Independent Reviewer of Terrorism Legislation: Report on the use of Schedule 7 powers against Ernest Moret](#)', (July 2023).
4. The threat of terrorism is set out in the UK's [CONTEST Strategy](#). This points to a continued threat from Islamist terrorism.

Amending Police, Crime, Sentencing and Courts Act 2022 extraction powers

1. Consideration has been given to assessments of the equalities impacts made for extraction from electronic devices powers under the PCSC Act¹⁴; the ONS Crime Survey for England and Wales¹⁵; and the Information Commissioner's

¹³ [2021 Census - Census of Population - Data Sources - home - Nomis - Official Census and Labour Market Statistics](#)

¹⁴ <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-equality-statements/home-office-measures-in-the-police-crime-sentencing-and-courts-bill-equalities-impact-assessment#a-consideration-of-limb-1-of-the-duty-eliminate-unlawful-discrimination-harassment-victimisation-and-any-other-conduct-prohibited-by-the-equality-act>

¹⁵ [Previous releases for Crime in England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

Office investigative report on Mobile Phone Data Extraction published (June 2020)¹⁶.

2. The equality impact assessment, undertaken for the extraction of information from electronic devices provisions in the then PCSC Bill, acknowledges that some groups of people with certain protected characteristics will be more impacted by the power because they currently are more likely to be victims, witnesses, or suspects of crime. For instance, Youth Justice statistics for 2019/20 showed that an estimated 7 percent of 10–15-year-olds were victims of crime in the year ending March 2020. In the year ending March 2019, the Crime Survey for England and Wales (CSEW) found that 23.1 percent of disabled adults aged 16 years and over experienced crime. Furthermore, in 2018/19, 43.5 percent of all missing individuals were children aged 18 or under. Some offences, such as domestic violence, rape or serious sexual assault, will have a higher chance of requests being made on victims and witnesses to provide agreement to the extraction of information in order to support a criminal investigation. Victims in these circumstances are more likely to be women as noted by the CSEW.

3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Equality Act.

The Department has considered potential direct and indirect impacts of measures below. Where direct and indirect discrimination is not addressed, that is because at this time the Department has assessed that there is no direct or indirect discrimination to be considered for that measure or in relation to a particular protected characteristic; the Department will keep this under review and update as necessary.

Standalone power for police and law enforcement agencies (LEAs) to access and extract online information.

For the purposes of this duty, we have considered the following protected characteristics. Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation. We do not consider that the measures will subject any person to less favourable treatment than any other person and therefore no direct discrimination arises in relation to the protected characteristics.

We have identified that there is potential for indirect discrimination on the basis of:

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- Race; Religion or Belief;
- Sex

In summary, we consider that any indirect impact on the basis of sex, race, and religion or belief. is capable of justification as a proportionate means of achieving a legitimate aim of protecting the public from crime. The power will provide LEAs

¹⁶ [Mobile phone data extraction by police forces in England and Wales \(ico.org.uk\)](https://ico.org.uk/mobile-phone-data-extraction-by-police-forces-in-england-and-wales)

with legal clarity to conduct searches of devices for online information for potential evidence and sufficiently carry out their duties in order to protect the public from crime. In order to mitigate the impact on protected groups, we have sought to include safeguards within the clause. These safeguards include

- a. A requirement that information can only be extracted from online accounts accessed by the device before it was seized;
- b. Information only being extracted where it is necessary and proportionate.
- c. A requirement for a senior officer to authorise use of the power only when certain conditions are met,
- d. The issuing of a code of practice to police and LEAs which will outline appropriate use of the power.

Age

Indirect Discrimination

Based on the publications reviewed and our analysis, we do not consider that the power will indirectly discriminate against individuals of a certain age, however we have given consideration to this protected characteristic and summarised our findings below;

Number by age group of persons arrested in England and Wales for notable offences in the year ending March 2024¹⁷.

Age Group	Total number of individuals
9 or under	1
10 to 17	58,899
18 to 20	53,133
21 and over	607,804
Unknown	669

The data described in the above table shows the majority (84%)¹⁸ of all arrestees in England and Wales for year ending March 2024 were aged 21 and over. As the data recorded does not provide a narrower categorisation of age after the age bracket of 21, we are unable to provide a more specific assessment.

Number by age group of persons arrested for terrorism related activity, year ending December 2024¹⁹.

Age Group	Total number of individuals
17 and under	39

¹⁷ Table A_01b Number of persons arrested for notifiable offences by age group, England and Wales, 2006/7 to 2023/24 [Arrest Summary data tables, year ending March 2024](#)

¹⁸ [Para 3.6 - Arrest by Age - Police powers and procedures: Stop and search, arrests and mental health detentions, England and Wales, year ending 31 March 2024](#)

¹⁹ Table A.10: Number by age group of persons arrested, charged and convicted after a charge for terrorism-related activity - Operation of police powers under the Terrorism Act 2000: quarterly update to December 2024: annual data tables

18 to 20	32
21 to 24	25
25-29	31
30 and over	121
Unknown	-

In addition, we reviewed arrests data for terrorism related activity as shown in the table above. In the year ending December 2024, there were 248 arrests recorded in Great Britain for terrorism related activity. Of these, just under 50% of individual were aged 30 and above.

We do not consider this data reviewed above to show a disproportional impact between age and arrest. Therefore, we do not consider the power to disproportionately indirectly impact a particular age cohort.

Race

Indirect Discrimination

We consider the standalone power may indirectly discriminate against individuals based on their race, however consider this is capable of justification as a proportionate means of achieving a legitimate aim of protecting the public from crime and protecting national security.

Arrest data for self-defined ethnicity in the year ending 31 March 2024 reports; 80% of arrested individuals identified as 'White', 7% of identified as 'Black or Black British', 8% identified as 'Asian or Asian British', 3% identified as 'Mixed' and 2% identified as 'Other'. This data set excludes instances where ethnicity was unknown²⁰. In the publication, this data was compared with population data from the 2021 census, to provide a data set for the disparity rates (which were calculated including data provided by MPS). It was found²¹ for the year ending March 2024 the disparity rates (for those who self-defined as Black, or Black British were 1.7 times more likely to be arrested when compared with the white ethnic group. Those self-identifying as 'Mixed' were 1.2 times more likely to be arrested, and self-identifying Asian or Asian British individuals were 0.8 times more likely to arrested than the white ethnic group²².

The publication 'Ethnicity and the criminal justice system 2022', reported in the offence analysis that there was a 'statistically significant association' between an offender's ethnicity and receiving a custodial sentence for indictable

²⁰ Table A_01c - Number of persons arrested for notifiable offences by self-defined ethnic group, England and Wales, 2006/07 to 2023/24

<https://assets.publishing.service.gov.uk/media/66f2e8c88cd0464135f12be3/arrests-data-tables-summary-mar24.xlsx>

In the year ending March 2024, the MPS reported self-defined ethnicity as unknown for 69% of arrests records. Since London has a more ethnically diverse population than the England and Wales average, it is likely that the proportion of arrests in England and Wales of people from ethnic minority backgrounds were slightly underreported.

²¹ [Table 3.6 - Police powers and procedures: Stop and search, arrest, and mental health detentions](#)

²² In the year ending March 2024, the MPS reported self-defined ethnicity as unknown for 69% of arrests records. Since London has a more ethnically diverse population than the England and Wales average, it is likely that the proportion of arrests in England and Wales of people from ethnic minority backgrounds were slightly underreported. These disparity rates were calculated including data from Metropolitan Police Service (MPS) whom have differences in ways of reporting. The disparity rate for England and Wales excluding the MPS for Black or Black British individual's is higher and is reported at 2.4, a figure that has remained consistent in each of the last 2 years.

offences between 2018 and 2022. Offenders of black and mixed ethnicity were consistently associated with ‘increased odds’ of receiving a custodial sentence compared to the white ethnic group across all five years of data analysis²³. Use of this power in criminal investigations may therefore result in sentencing outcomes that disproportionately indirectly impact ethnic minorities. However, the Department considers this to be justified on the basis that the measure is a proportionate means of achieving the legitimate aim of protecting the public from crime, and safeguards, as outlined above, will be implemented to mitigate against any disproportionate use of the power, and therefore disadvantage to this group.

The number of people in custody, within Great Britain, for terrorism and terrorism-connected offences, by self-defined ethnicity, as of 31 December 2024²⁴ were:

- 40% White
- 5% Mixed
- 34% Asian/ Asian British
- 7% Black/ Black British
- 12% Other
- 2% unrecorded

As a result, the measure as it applies to terrorism/terrorist connected offences could indirectly discriminate on the basis of race, given that certain ethnic groups are overrepresented in the data compared to the Census data. However, current statistics on race reflect the nature of the terrorist threat in the UK. The Department assesses that any indirect discrimination would therefore be objectively justified and correspond directly to this threat.

There is no publicly available data on the cohort of people who have been subject to powers within the National Security Act 2023, however some of the measures relate to criminalising state threat activity that is being carried out for or on behalf of a foreign state. Were nationals from certain foreign states to form a significant proportion of those impacted by these powers, this could indirectly discriminate on the basis of race. However, the powers can only be exercised based on the requirements in the National Security Act and, given the safeguards in place for the use of the powers, the Department considers any indirect discrimination can be objectively justified in order to protect national security.

Religion or Belief

Indirect Discrimination

This power may indirectly discriminate against individuals of a certain or religion or belief, however, the Departments considers this is capable of justification as a proportionate means of achieving a legitimate aim of protecting the public from crime and protecting national security.

As of December 2024, of the 257 persons in custody for terrorism and terrorism-connected offences in Great Britain with a self-declared religion, 161

²³ [Offence Analysis – Statistics on Ethnicity and the Criminal Justice System, 2022](#)

²⁴ [Annual data table P.02: Number of persons in custody for terrorism and terrorism-connected offences, by self-defined ethnicity and type of prisoner](#)

were Muslim (63%), 47 (18%) were Christian and 38 (15%) declared themselves as having no religion²⁵.

The majority of terrorism-connected offenders in custody were Muslim, therefore this power (which may enable a criminal investigation and the arrest, and conviction of an individual under terrorism legislation) may indirectly discriminate against those of Muslim faith. However, the overrepresentation of offenders self-identifying as Muslim reflects the nature of the terrorist threat in the UK. The Department assesses that any indirect discrimination would therefore be objectively justified and correspond directly to this threat.

As mentioned above, there is no publicly available data on the cohort of people who have been subject to powers within the National Security Act 2023, however some of these measures relate to criminalising state threat activity that is being carried out for or on behalf of a foreign state. Were nationals from certain foreign states to form a significant proportion of those impacted by the powers this could indirectly discriminate on the basis of religion. However, the powers can only be exercised based on the requirements in the National Security Act and, given the safeguards in place for the use of the powers, the Department considers any indirect discrimination can be objectively justified in order to protect national security.

Sex

Indirect Discrimination

The available evidence shows more men are arrested than women and that men are represented more in the criminal justice system in England and Wales. We therefore consider that this power may discriminate men more than women, however this is capable of justification as a proportionate means of achieving a legitimate aim of protecting the public from crime and protecting national security.. This is based upon the likely cohort of offenders the power would have effect on.

Data collated on arrests for notifiable offences²⁶ for the year ending March 2024:

Year	Males	Females	Other	Unknown	Persons
2023/24	603,438	113,762	252	3,054	720,506

²⁵ Paragraph 4.1 - [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to December 2024 - GOV.UK](#)

²⁶ A Notifiable Offence is defined in the publication [Police powers and procedures: Stop and search, arrests and mental health detentions, England and Wales, year ending 31 March 2024 - GOV.UK](#) as any offence where the police must inform the Home Office by completing a crime report form for statistical purposes. Notifiable offences cover all crimes that must or could be heard at a Crown Court and, except for common assaults, does not include summary only offences that are dealt with exclusively by magistrates' courts

Out of 720,506 arrests in England and Wales for 2023/24, the overwhelming majority (84.1%) , excluding unknowns, were male.²⁷ This trend has remained fairly consistent over the last 15 years, with arrest rates for men varying between 82.9% in the year ending March 2008 and 85.4% in the year ending March 2019²⁸

Additionally, statistics in the publication on women and the criminal justice system²⁹ published in January 2025 reported the below figures for 2023/2024, which further demonstrate the disparity between men and women.

Criminal Justice System area	Female	Male
Population	51%	49%
Arrests	16%	84%
Prosecutions	22%	78%
Convictions	22%	78%
Remanded at crown court	5%	95%
Immediate custodial sentences	7%	93%
Prison population	4%	96%

Although population figures for men and women are almost equal, 78% of individuals convicted within the Criminal Justice System (CJS) were male and accounted for 96% of the prison population in 2023/2024.

In general, the evidence shows that men are substantially overrepresented throughout the CJS compared to women. Based upon this data the standalone power may place men at a particular disadvantage as compared to women, as they more because they are more likely to be arrested and convicted of an offence than women. However, we consider that any indirect discrimination on the basis of sex is justified and proportionate on the basis of protecting the public from crime.

The majority of those arrested for terrorism-related activity were males (81%) in the year ending December 2024³⁰. However, the current statistics on sex reflect the nature of the terrorist threat in the UK. The Department assesses that any indirect discrimination would therefore be objectively justified and correspond directly to this threat.

Amending Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

Age

²⁷ [Police powers and procedures: Stop and search arrests and mental health detentions, March 2024](#)

²⁸ Para 3.5 - Arrests by Sex - [Police powers and procedures: Stop and search arrests and mental health detentions, March 2024](#)

²⁹ Figure 1.01 - [Statistics on Women and the Criminal Justice System 2023.pdf](#)

³⁰ Annual data tables - Table A.09 - Number by gender of persons arrested, charged [and convicted after a charge for terrorism-related activity](#)

Indirect Discrimination

Schedule 7 powers are used in accordance with the threat from terrorism. While the age of those selected for examination under Schedule 7 is not recorded, data for those arrested for terrorism-related offences show that younger people are more likely to be involved in terrorism.³¹ It is possible that those stopped under Schedule 7 also reflect this trend which could indicate indirect discrimination in use of Schedule 7, but this is justified to counter the threat of terrorism.

Race

Indirect Discrimination

Schedule 7 powers are used in accordance with the threat from terrorism. The most significant threat remains Islamist terrorism.³² The ethnicity of those examined under Schedule 7 is recorded. In the cases where ethnicity was known as of December 2024:

- 38% identified as “Chinese or Other”
- 27% identified as ‘Asian or Asian British’
- 23% identified as “White”
- 7% identified as “Black or Black British”
- 4% identified as “Mixed”³³

The source of the Islamist threat is likely to be reflected in the numbers within the category “Asian or Asian British” or “Chinese or other” which could indicate indirect discrimination in the use of Schedule 7 but this is justified to counter the threat.

Religion or Belief

Indirect Discrimination

Schedule 7 powers are used in accordance with the threat from terrorism. The most significant threat remains Islamist terrorism (see above). While the religion of those examined under Schedule 7 is not recorded, self-declared religion is recorded for individuals in custody for terrorism and terrorism-connected offences in Great Britain. Of the 257 persons in custody as of December 2024, 161 were Muslim (63%), 47 (18%) were Christian and 38 (15%) declared themselves as having no religion. It’s possible that those stopped under Schedule 7 also reflect this trend meaning there may be some indirect discrimination, but this is justified to counter the threat.³⁴

Sex

Indirect Discrimination

Schedule 7 powers are used in accordance with the threat from terrorism. While the sex of those examined under Schedule 7 is not recorded by the police, sex is recorded for persons arrested for terrorism related activities. As of December 2024, the majority of those arrested for terrorism-related activity were males (81%). We can infer from

³¹ See: [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to December 2024 - GOV.UK.](#)

³² See the UK’s [CONTEST Strategy](#).

³³ [Length of examination, resultant detention and ethnicity in ‘Operation of Police Powers under the Terrorism Act 2000: quarterly update to December 2024: quarterly data’.](#)

³⁴ See: [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to December 2024 - GOV.UK.](#)

this data that men are more likely to be examined under Schedule 7 meaning there may be some indirect discrimination but this is justified to counter the threat.³⁵

Amending Police, Crime, Sentencing and Courts Act 2022 extraction powers

The Department is mindful of the evidence and conclusions of the EIA completed for these measures during the passage of the then Police, Crime, Sentencing and Courts Bill, and assesses that no new direct or indirect discrimination arises from the extension of these powers to online accounts.

3b. Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

The Department has considered potential direct and indirect impacts of measures within the Bill below. Where advancing equality of opportunity is not addressed, that is because at this time the Department has assessed that the measures will not have a positive or negative effect on advancing equality of opportunity between people who share a protected characteristic and people who do not share; the Department will keep this under review and update as necessary.

Standalone power for police and law enforcement agencies (LEAs) to access and extract online information.

The policy is focused on protecting the public from crime and reducing crime. Although the evidence summarised shows that individuals with certain protected characteristics—such as race, sex, and religion or belief are more likely to be overrepresented in the criminal justice system, the Department does not believe the power itself will be detrimental to advancing equality of opportunity between those who share a protected characteristic and those who do not.

The Department has not identified ways in which the measure could advance equality of opportunity between people who share protected characteristics and people who do not share them.

Amending Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

The Department does not believe that the power to access, copy and retain online information under Schedule 7 or 3 puts people with protected characteristics at particular disadvantage when compared to others who do not share those characteristics.

Terrorism often has ideological motivation which, as a result, might mean people with certain protected characteristics (e.g. religion, ethnicity) may be overrepresented relative to their representation in the total population. Similarly, as something inherently violent, terrorist offenders and those involved in terrorism are also likely to be male who make up the majority of those involved in violent crime.

³⁵ See: [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to December 2024 - GOV.UK](#)

However, the Code of Practice already accommodates for adjustments required by people with protected characteristics. For example, provision should be made to allow for the observance of religious practice.

The Department has not identified ways in which this measure could advance equality of opportunity between people who share protected characteristics and people who do not share them. However, we do not believe the accessing, copying or retention of online information under Schedule 7 and 3 to be detrimental to advancing equality of opportunity between those who share a protected characteristic and those who do not.

Amending Police, Crime, Sentencing and Courts Act 2022 extraction powers

The Department is mindful of the evidence and conclusions of the EIA completed for these measures during the passage of the then Police, Crime, Sentencing and Courts Bill, and assesses that no new direct or indirect discrimination arises from the extension of these powers to online accounts.

3c. Consideration of limb 3: Foster good relations between people who share a protected characteristic and persons who do not share it.

The Department has considered whether these measures will foster good relations between people who share a protected characteristics and persons who do not share it. Where a measure is not addressed, the Department has not identified any impacts; this will be kept under review.

Standalone power for police and law enforcement agencies (LEAs) to access and extract online information.

This policy is focussed on protecting the public from crime and reducing crime. As such, we do not anticipate that the power will negatively or positively affect the fostering of good relations between people who share a protected characteristic and those who do not.

Amending Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

The Department believes the accessing, copying and retention of online information under Schedules 7 and 3 will have a neutral impact on fostering good relations.

Amending Police, Crime, Sentencing and Courts Act 2022 extraction powers.

The Department is mindful of the evidence and conclusions of the EIA completed for these measures during the passage of the then Police, Crime, Sentencing and Courts Bill, and assesses that no new direct or indirect discrimination arises from the extension of these powers to online accounts.

4. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?

The proposals include safeguards and a statutory code of practice for police and LEAs which aim to mitigate negative indirect impacts for protected characteristic groups. The power will be exercised only for the purposes it is intended, which includes protecting the public from crime and prevent disorder or crime and should be exercised in a way that is necessary and proportionate to the purpose. Additionally, the power must only be exercised after approval from a senior authorising officer who is satisfied that certain conditions are met.

5. Review Date

The proposals considered in this document will be reviewed throughout the legislative process and will be subject to the normal post-legislative review three to five years after Royal Assent.

6. Declaration

I have read the available evidence, and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

SRO sign off: Krisztina Katona, Head of Data Policy, Home Office Data and Identity Directorate

Lead contact: CrimeandPolicingBillTeam@homeoffice.gov.uk

Date: 2 December 2025

For monitoring purposes all completed EIA documents must be sent to psed@homeoffice.gov.uk

EIA enquiries must also be sent to psed@homeoffice.gov.uk

Date sent to PSED Team: 2 December 2025