

PE2185/G: Introduce stronger safeguards around the use of digital material in court proceedings

Petitioner written submission, 23 February 2026

Both the Lord Advocate and the Chief Constable note that digital evidence may form only part of the wider evidential picture, and that it is rarely the entirety of a case.

However, my experience illustrates precisely why this issue requires closer scrutiny. In my case, the digital material in question was not supplementary; it was foundational. There was no independent eyewitness evidence, forensic corroboration, or alternative evidential strand capable of sustaining proceedings in its absence.

Had the authenticity of that digital material been examined at the outset and found to be unreliable, there would have been no evidential basis upon which to proceed.

This is not an unusual or theoretical scenario. As communication increasingly takes place through digital platforms, cases may hinge entirely on messages, images, or recordings. In such circumstances, the absence of a clear, mandatory process for early verification is not a marginal issue — it is decisive.