

Citizen Participation and Public Petitions Committee
Wednesday 25 February 2026
5th Meeting, 2026 (Session 6)

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

Introduction

Petitioner Christopher Simpson

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to amend the Criminal Procedure (Scotland) Act 1995 to ensure that any digital material presented in court, such as photos or screenshots, is verifiably sourced, time-stamped, and able to be independently authenticated before being considered admissible, unless both parties agree otherwise.

Webpage <https://petitions.parliament.scot/petitions/PE2185>

1. [The Committee last considered this petition at its meeting on 26 November 2025.](#) At that meeting, the Committee agreed to write to the Lord Advocate and to the Chief Constable of Police Scotland.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Lord Advocate, the Chief Constable of Police Scotland, and the Petitioner, which are set out in **Annexe C**.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial response to the petition on 30 October 2025.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 163 signatures have been received on this petition.

Action

8. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
February 2026

Annexe A: Summary of petition

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

Petitioner

Christopher Simpson

Date Lodged

22 September 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to amend the Criminal Procedure (Scotland) Act 1995 to ensure that any digital material presented in court, such as photos or screenshots, is verifiably sourced, time-stamped, and able to be independently authenticated before being considered admissible, unless both parties agree otherwise.

Background information

I was accused based on screenshots that were never checked for metadata or linked to my device, despite police having my phone and PIN. It was never confirmed who sent them or when they were created. These images could easily have been faked. The impact on my life was severe – I became suicidal and appeared in a documentary on male mental health in Scotland. In today's digital world, anyone can create fake messages. This is not just about my case — it's about fixing a loophole that can hurt anyone. We need proper rules on digital evidence, so courts aren't misled and innocent people are protected.

The action asked for by my petition would not interfere with judicial discretion, but rather provide clearer legislative guidance to protect against the misuse of fabricated or contextless digital submissions, particularly in summary cases.

The motivation behind this proposal is not only my own experience, but related to wider concerns about how easily digital material can be manipulated and misused in the justice system, especially as such material becomes increasingly common in both prosecution and defence submissions.

Annexe B: Extract from Official Report of last consideration of PE2157 on 26 November 2025

The Convener: Our final petition today, PE2185, is on the introduction of stronger safeguards regarding the use of digital material in court proceedings. I have to assume that the three remaining guests in the gallery have suffered through our entire proceedings only to find that their petition is the last of those that we are considering today. Notwithstanding that, I hope that we can do something positive to assist.

The petition, which was lodged by Christopher Simpson, calls on the Scottish Parliament to urge the Scottish Government to amend the Criminal Procedure (Scotland) Act 1995 to ensure that any digital material that is presented in court, such as photos or screenshots, is verifiably sourced, timestamped and able to be independently authenticated before being considered admissible, unless both parties agree otherwise.

Regarding current court procedures, the Crown Office and Procurator Fiscal Service has explained to our SPICE researchers that

“before any item attains evidential status its provenance must be established; an item is meaningless unless its source is in some way proved”.

If the defence and the prosecution do not agree on the provenance of an item, whether digital or not, there is a process in place that enables parties to challenge the evidence and lead their own rebuttal.

The Scottish Government indicates that the gathering and presentation of evidence are matters for Police Scotland and COPFS. The Government does not consider the action that is called for by the petition to be necessary on account of existing safeguards, which are meant to ensure that concerns about the authenticity of any digital evidence can be raised and investigated.

However, in an additional submission, the petitioner shares his distressing experience and reiterates that

“individuals can be subjected to lengthy investigations and restrictions based on unverified or fabricated digital material.”

Discussions about the provenance of evidence take place after a person has been charged, and the petitioner sees that as a gap in the legislation. He insists that all digital evidence must be verifiably sourced, timestamped and authenticated before it reaches court.

Do colleagues have any suggestions for action?

David Torrance: In light of the evidence, I wonder whether the committee would consider writing to the Lord Advocate and the chief constable of Police Scotland to ask for their views on the petition and the timing concern that the petitioner expressed in his additional submission.

The Convener: It strikes me that the timing concern is wholly legitimate. We know the opprobrium that can be attached to an individual being charged, and it would seem curious if evidence had not been corroborated before things got to that point in the process, so it is perfectly legitimate for us to seek further clarification on those matters.

Fergus Ewing: I support that, including for the reason that, although in theory the specific proposal should not be necessary, in practice, the petitioner has had an experience that is quite the contrary: one of a failure to carry out a proper process, according to the petitioner's narrative. Therefore, it would do no harm, particularly given the increasing importance of digital material and evidence in court, to understand what safeguards are in place to ensure that it is properly authenticated and verified as far as possible.

The main thrust of the petitioner's submission is that that should happen, but one doubts whether it in fact happens, for various practical reasons. Not least of those would be because, to be honest, some people of my vintage might not really understand how digital material works. I would be surprised if some of my learned friends were necessarily experts at digital technology. The petitioner has raised an interesting area of evidence in criminal proceedings that should be pursued and clarified.

The Convener: Yes. I should emphasise that, in pursuing these matters, we are not doing so on a purely theoretical basis; the evidence that is before the committee indicates that that was the actual experience of the petitioner.

Davy Russell: We can see how digital evidence can be manipulated from the recent BBC fiasco involving a US President.

The Convener: Indeed. The last time I checked, President Trump had not lodged a petition with the Scottish Parliament in relation to the digital evidence at the BBC but, actually, I would not put it past him, because he seems to be quite free in doing that sort of thing.

We will keep the petition open, notwithstanding the time that is left to us in this session of Parliament, and hope that we can advance further information in relation to the points that are raised as a consequence of the additional submission from the petitioner.

Fergus Ewing: For the sake of completeness, I point out that I recall—because I was present—when President Trump, who was then a businessman in north-east Scotland, appeared before a committee of this Parliament and stated that the wind turbines opposite his golf course should not go ahead. When he was asked what his evidence was, he replied, "I am the evidence."

The Convener: That is how the affairs of the United States are conducted, currently.

That brings us to the end of that item. I hope that the petitioner is content with our taking forward the petition on that basis.

Annexe C: Written submissions

Lord Advocate written submission, 31 December 2025

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

Thank you for your letter dated 1st December 2025 seeking my views in respect of the petition and the timing concern expressed by the petitioner

It is important to say from the outset that in our criminal justice system it is not evidence that requires to be proved but the charge against the accused person as a whole.

Prosecutors consider the particular facts and circumstances of each case and in line with the Prosecution Code, as to whether there is sufficient admissible evidence and whether it is in the public interest to take prosecutorial action.

With any evidence, digital or otherwise, the prosecutor must be satisfied that it is both credible and reliable. With digital evidence, a part of that assessment includes being satisfied as to the provenance of it.

The limits of how far the prosecutor should go to make that assessment will depend on the facts and circumstances of a case. The credibility and reliability of any evidence can and will be tested against the totality of evidence available and does not necessitate forensic examination in every case. If evidence is *ex facie* valid there would be no reason to question its veracity.

Prosecutors are under a duty to continually assess each case in light of any new information brought to their attention. If concerns are raised in respect of the evidence, prosecutors treat such allegations seriously and prosecutors would independently assess and investigate such matters.

As was highlighted in the briefing prepared by the Scottish Parliament Information Centre (SPICe), provenance of any evidence, be that digital or otherwise must be established and the law already provides safeguards as the authenticity and accuracy of evidence is capable of challenge.

It is important to note, also, that digital evidence may form only part of the whole evidence available to prosecutors when making their decisions. It is not the entire case.

Given existing safeguards and procedures which work well, the amendments suggested to the Criminal Procedure (Scotland) Act 1995 as proposed in the petition, has the potential to significantly delay access to justice for many victims of crime.

I trust the above is of assistance to you and the Committee.

Yours sincerely,

THE RIGHT HONOURABLE DOROTHY BAIN KC

LORD ADVOCATE

Chief Constable of Police Scotland written submission, 15 January 2026

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

Thank you for your letter dated 1st December 2025 seeking my views in respect of the petition and the timing concern expressed by the petitioner.

In providing this response I have had the benefit of reading the petition, the petitioner's additional submission, and the written submission provided by the Lord Advocate on 31 December 2025.

I would respectfully adopt and support the Lord Advocate's comments with regards to the treatment of digital evidence that is *ex facie* valid, and the existing safeguards already provided in law to ensure that the authenticity and accuracy of evidence (including digital evidence) is capable of challenge.

Should concerns be raised in respect of the authenticity of digital evidence during the course of a police investigation into a reported crime, those allegations would be treated seriously and investigated appropriately by Police Scotland.

However, as noted by the Lord Advocate in her written submission, digital evidence may form only part of the whole evidence available. It is rarely the entire case. Whether it is appropriate or necessary for the police to conduct further investigation into the authenticity and accuracy of digital evidence before reporting a detected crime to prosecutors for consideration, will depend upon the particular facts and circumstances of the concerns raised, and what other supporting evidence may exist.

In any case, in line with disclosure duties places on Police Scotland, should concerns be raised to Police about the authenticity of digital evidence relating to a crime or offence during an investigation which results in an individual being charged and reported to COPFS, these concerns would be disclosed and reported to COPFS.

Where a prosecutor has a concern about the provenance, authenticity, or accuracy of digital evidence submitted as part of a case reported to them by Police Scotland, it would be for COPFS to determine what further action is necessary.

I agree with the Lord Advocate that the existing safeguards and procedures are established and work well. I share the Lord Advocate's concern that the amendments suggested to the Criminal Procedure (Scotland) Act 1995 as proposed in the petition have the potential to unnecessarily delay access to justice, for all those affected by crime, with the potential for significant operational challenges and impact for policing.

I trust the above is of assistance to you and the Committee.

Yours sincerely,

Jo Farrell, Chief Constable of the Police Service of Scotland

Petitioner written submission, 10 February 2026

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

Having carefully reviewed the submissions provided by the Chief Constable of Police Scotland and the Lord Advocate, I do not believe they fully address the central concern raised by my petition.

I would also note that the Chief Constable's submission closely mirrors the position set out by the Lord Advocate. While alignment between institutions is not inherently problematic, the Committee specifically sought separate views from policing and prosecution. The absence of a distinct operational analysis from policing raises concern that the practical realities of frontline evidence handling have not been independently examined.

Both submissions place significant reliance on guidance, professional judgement, and the ability to challenge evidence later through court processes. My experience demonstrates why that approach is insufficient in practice.

Concerns raised, but no investigation followed

A key assertion in the Chief Constable's submission is that concerns about digital evidence will prompt investigation. In my case, concerns about the authenticity of the digital material were raised immediately at the point of arrest. I consistently denied authorship of the material relied upon and made clear that it did not originate from me.

Despite this, no investigation outcome, forensic assessment, or verification of that digital material was ever provided. At no stage was I informed that the provenance or authenticity of the evidence had been examined, either at the time of arrest or subsequently. This directly contradicts the assurance that concerns raised by an accused person will necessarily result in investigative scrutiny.

Further, I have an outstanding police complaint relating specifically to the handling and non-investigation of the digital evidence in my case. To date, that complaint has not been substantively responded to. This is relevant to the Committee's consideration because it reinforces the central issue raised by the petition: even when concerns about digital evidence are formally raised, there is no guarantee that they will be examined, addressed, or learned from in the absence of a mandatory investigative requirement.

This directly undermines assurances that existing processes are sufficient, as they rely on discretion rather than obligation.

The access contradiction

In submissions and explanations provided to me, it has been stated that the case was discontinued because police were unable to access my mobile phone. However, at the point my phone was seized, access credentials were voluntarily provided, verified as working by the arresting police officer, and recorded contemporaneously.

These two positions cannot logically coexist. Either access was available and no meaningful examination followed, or access was unavailable in a manner that has never been explained. In either scenario, the absence of a clear, mandated process for verifying digital evidence allowed uncertainty to persist unchecked.

Treatment of unverified material as “credible” and the question of victimhood

The Lord Advocate’s submission states that the system is geared towards supporting victims, and that evidence is assessed as sufficient and credible before prosecution proceeds. However, my experience raises serious concern about how unverified digital material can meet that threshold in practice, and about how victimhood is understood within the current framework.

In my case, digital material that was never verified was treated as credible, resulting in arrest, charge, and prolonged restrictions. The case was later discontinued, yet at no point was there any recognition that I had suffered harm as a result of false or unexamined digital material.

This highlights a significant gap. Current frameworks appear to assume that digital evidence is authentic at the point it is presented, and that support is therefore correctly directed. Where digital material is fabricated or manipulated, the system has no mechanism to recognise or respond to the harm caused to the person falsely accused.

The changing risk landscape: digital manipulation and AI

It is also important to recognise how rapidly the risk landscape has changed. Advances in artificial intelligence now mean that convincing digital material can be created with minimal effort. With little more than a photograph, it is now possible to generate realistic messages, audio, or video depicting an individual saying or doing things that never occurred.

In this context, reliance on the apparent provenance of digital material without verification is no longer safe. The existence of such technology makes early investigation not optional, but essential. Guidance and discretion cannot adequately address this risk when the potential for fabrication is both high and widely accessible.

The human impact of delayed scrutiny

While my petition is focused on systemic reform, it is important to acknowledge the human consequences of delayed or absent verification.

For many months, I lived under the weight of allegations based on digital material that had never been authenticated. During that time, I experienced severe psychological distress, isolation, and reputational harm. I was subject to restrictions while the allegations were treated as credible, and the cumulative impact brought me close to taking my own life.

This is not included for emotive effect, but to underline the stakes involved. A simple, early investigation by police, examining the authenticity of the digital material at the outset, would have prevented the situation from escalating to that point.

Why legislation is necessary

Both submissions emphasise guidance, training, and professional judgement. While these are important, they are not substitutes for a clear, enforceable safeguard.

Guidance assumes compliance. Legislation ensures consistency.

My petition does not seek to undermine victims, weaken prosecutions, or add unnecessary complexity to investigations. It asks for a simple, preventative step. Such a step would protect all parties, complainers, accused persons, investigators, and prosecutors, by ensuring decisions are made on a sound evidential basis from the outset.

Conclusion

The responses from the Chief Constable and the Lord Advocate describe how the system is intended to function. My experience demonstrates how, in the absence of mandatory early verification, it can fail.

This petition exists because the consequences of that failure are severe, avoidable, and human.

I respectfully ask the Committee to consider whether reliance on discretion and later challenge is sufficient in an era where digital material can be easily fabricated or manipulated, and whether Scotland has an opportunity to lead by introducing a clear, preventative safeguard that reflects modern realities.