



Deletion of records from national police systems (formerly PNC retention policy exception case)

Procedure Statement

The Government seeks to protect the civil liberties of innocent citizens, whilst giving the police powers they need to identify suspects and solve crime using DNA and fingerprints (biometric information). The police need to hold certain information about an individual's criminal antecedents for their policing purposes and to satisfy the requirement of criminal justice partners such as Her Majesty's courts and safeguarding agencies such as the Disclosure and Barring Service. That information includes arrests, convictions, out of court disposals and other event histories such as 'not guilty' adjudications, discontinuances and no further action disposals.

The National Police Chief's Council (NPCC) has provided guidance to Chief Officers in England and Wales entitled 'Deletion of Records from National Police Systems' in an effort to ensure a consistent approach in the handling of applications for the deletion of records from national police systems, namely:

- Police National Computer (PNC)
- National DNA Database (NDNAD)
- National fingerprint database (IDENT1)

This record deletion process does not extend to records held locally, such as custody photographs. These records will be reviewed in accordance with the Review, Retention and Disposal of Information Procedure.

Chief Officers cannot overrule convictions handed down by the courts. Individuals must appeal a sentence or conviction through the court system if new evidence emerges.

With the exception of ACRO involvement the same process will apply to cases referred from NYP colleagues and applications received direct from members of the public.

There are no fees for this service.

Linkages

Procedures:

Review, Retention & Disposal of Information Procedure

Other Documents:

National Police Chief's Council (NPCC) Deletion of Records from National Police Systems

Process

The NYP contact for the Deletion of Records from National Police Systems is PNC Liaison who will maintain a log of all requests together with the outcome for each.

Application via ACRO RDU

NYP will follow the procedure laid out within the NPCC Deletion of Records from National Police Systems guidance document.

Internal Referral

It is good record keeping practice to review information in circumstances where continued retention may no longer be appropriate (e.g. mistaken identity or false allegation).

PNC Liaison will review referrals from colleagues where removal of information from national police systems is thought to be appropriate. PNC Liaison will observe the principles within the NPCC Deletion of Records from National Police Systems guidance document in considering referrals although ACRO RDU will not be involved.

PNC Liaison will be responsible for arranging the deletion of information from the PNC, the National DNA Database (NDNAD) and the National Fingerprint system IDENT1.

The data subject will not be informed of removal as it will not be possible to verify their address particularly where removal takes place months or years after the event.

Direct Application

PNC Liaison will consider applications direct from members of the public for the removal of information from national police systems. Such applications must evidence one or more of the 'Grounds for Record Deletion' listed on page 21 of the NPCC Deletion of Records from National Police Systems.

PNC Liaison will observe the principles contained within the NPCC guidance document when considering such applications.

PNC Liaison will be responsible for arranging removal from national police systems, if approved, and for advising the applicant of the outcome.

Verification of Identity (Direct Applications Only)

Due to the nature of the personal data NYP process it is anticipated that for the majority of requests it will be proportionate to request copies of identification documents in order to verify a data subject's identity. Individuals will not be expected to re submit evidence of their identity if they have recently produced relevant documents to NYP for other purposes, for example a Data Subject Access Request. If a request is made directly to an officer or other colleague who knows the individual and they are satisfied that they can confirm their identity they can do this via e-mail to the Review Retention and Disposal e-mail account at the time of sending through details of the request.

Forms of identification are copies of photographic identification, e.g. passport or

photographic driving licence AND proof of address such as a council tax bill or bank statement.

A request only becomes valid once we have received satisfactory proof of identification AND the requester has provided us with all the information we need to process the request. If the individual fails to provide the required information they will be informed as soon as possible as to further information required. The request will not be processed until the request becomes valid.

Responsibilities

Chief Constable

- As per principle 8 of the Home Office Statutory Disclosure Guidance issued by the Home Office which defines 'Delegated Authority' the Chief Constable will document and sign off any decision to delegate.
- Notify PNC Liaison of any delegation decision

NYP Staff

- Respond promptly to requests for information in support of this procedure.
- Notify PNC Liaison where grounds exist for removal.

PNC Liaison

- Maintain a record of applications detailing decision and rationale.
- Liaise with NYP colleagues and other agencies where necessary.
- Submit information and recommendations to the Chief Constable or delegated authority.
- Arrange removal of information, where approved, for internal referrals and direct applications.
- Notify decision and rationale to ACRO RDU, NYP colleagues or the data subject as appropriate.

PNC & PND Manager

- Assess and make decision in respect of internal referrals.
- Submit to Chief Constable or delegate for decision where appropriate.

Delegated Authority

- Assess all applications received via ACRO RDU and notify PNC Liaison of decision.
- Assess all direct applications and notify PNC Liaison of decision.
- Assess any internal cases referred by PNC Liaison and notify PNC Liaison of decision.

Review, Retention & Disposal Team

- Update local system/s where appropriate to indicate that related records have been deleted from national systems.

Niche Systems Administrators

- Remove arrest/summons number from the related Niche custody or VA record (provided no pending court appearance has been linked to that record).

Definition of Special Terms

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Procedure

ACRO	ACPO Criminal Record Office
IDENT1	The national fingerprint database
NDNAD	National DNA Database
NPCC	National Police Chief's Council
NYP	North Yorkshire Police
PNC	Police National Computer
PoFA	Protection of Freedoms Act 2012
RDU	Record Deletion Unit