



Derbyshire Constabula

MR DAVID MERY
NOT PROVIDED

Telephone: 0845 123 3333
Fax: 01773 572639
Tel Ext: 700 2776
Direct Line:
Ask For: Freedom of Information
Our Ref: 002517/08
Your Ref:
Date: 17 December 2008

Dear MR MERY

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 002517/08

I write in connection with your request for information which was received by Derbyshire Constabulary on 17/11/2008. I note you seek access to the following information:

I would appreciate, if in accordance with the FOIA, you can provide me by email with the following information concerning the processing of DNA records by the Derbyshire Constabulary force:

1/ For each calendar year since 2002, how many DNA profiles were contributed by your force to the NDNAD.

2/ For each calendar year since 2002, how many DNA profiles were contributed to the NDNAD of individuals that were arrested by your force. If this is different from the number of times officers from your force took DNA samples from arrested individuals, please provide this number as well and explain the reason for the difference.)

3/ For each calendar year since 2002, how many DNA profiles were contributed to the NDNAD of individuals that volunteered their DNA samples to your force. If this is different from the number of times officers from your force took DNA samples from volunteers, please provide this number as well and explain the reason for the difference.)

4/ For each calendar year since 2002, how many requests for DNA records removals has your force received. How many individuals who had their DNA taken when arrested sent these requests, and how many individuals who volunteered their DNA sent these requests.

5/ For each calendar year since 2002, how many requests for DNA records removals has your force agreed to (i.e., where the Chief Officer decided "Yes - Action the removal of PNC, fingerprint and DNA records" as described in the step down model flowchart). How many were agreed for individuals who had their DNA taken when arrested; and how many were agreed for individuals who volunteered their DNA.

Following receipt of your request searches were conducted within Derbyshire Constabulary to locate information relevant to your request. I can confirm that Derbyshire Constabulary holds the information you have requested.



Extent of Searches to Locate Information

To locate the information relevant to your request searches were conducted at **Crime Support and Professional Standards**

Result of Searches

The searches located some records relevant to your request.

Question 1 - We are able to provide a response to your first question in terms of overall number of submitted samples only.

2003 – 2148 samples

2004 – 9,321 samples

2005 – 12,350 samples

2006 – 14,985 samples

2007 – 11,255 samples

[Clarification: overall number for individuals whether volunteer or arrested- we don't have records that split them up.]

Questions 2 – 5 inclusive

The nature of our records in respect of the information you seek is not easily retrievable. The records regarding DNA sampling or otherwise would be included within each Individual file rather than on separate lists. As you will appreciate there is a finite limit to the amount and scope of retrievable information we record in terms of effective resource use.

In terms therefore of Questions 2,3,4 and 5 I am unable to confirm or deny whether or not the Derbyshire Constabulary holds the information you have requested.

[Clarification: It is the extent to which we may or may not hold records we can't be sure of - as you know recording relies on what someone has entered and without full retrieval I couldn't say to what extent we "hold" all the information you requested.]

The Freedom of Information Act 2000 section 12 (1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying would exceed the appropriate limit. The above provides the formal requirement of notification under Section 17 (5) of the Freedom of Information Act 2000 in relation to a refusal to provide information on the grounds of exceeding the time limit by:-

- (a) Stating that fact,
- (b) Specifies the exemption in question and
- (c) States (if that would not otherwise be apparent) why the exemption applies.



Where the public authority is a non central government public authority, the cost limit is £450. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 requires that the cost of complying with a request should be calculated at £25 per hour.

This means that, in effect, there is a time limit of 18 hours. Section 12(2) provides that the public authority is not obliged to confirm or deny whether it holds information falling within the scope of the request if to do so would, in itself, exceed the cost limit.

Therefore, in pursuance of the limits identified within Section 12 and associated legislation, we are unable to confirm or deny the existence of what relevant information may or may not be held by the Force.

Although under the legislation we are required to assist you as best we are able in this instance we are unable to offer an alternative option.

The information you request in relation to DNA sampling may or may not be recorded within completed charges sheets for arrested persons or the respective individual files. We have 35,000 arrests per year and retrieval would require manual search of each record. Even at 1 minute per record this would be over 580 hours for 1 year.

In addition you ask for information regarding volunteer sampling – this could be under many circumstances and we do not have a specific separate means of recording any such sampling.

I can offer no alternative in these instances in terms of providing a full retrieval of information other than to provide the above details which shows the number of samples which were submitted over the years you request. Please see the final paragraph of this reply below.

It is our policy to decline the opportunity to undertake such retrieval at cost payment as the apparent result appears to be disproportionate to the effort of our resources to achieve it.

.During the process of establishing what records we hold and the information which is available to assist you I did find some ad hoc records which were incomplete. I am unable to provide any degree of accuracy for the information they contain as the content is limited in scope and certainly is not a reflection as to how many requests may have been made for DNA record removal. However I provide the information in the spirit of the act but again caution that no reliance should be placed on the data supplied.

From some time 2005 (not known when) records held in Professional Standards show that we received some 48 requests from individuals for the removal of their records. This figure would include those requests where the individual has specifically requested the removal of DNA from their record.

The records indicate that in 10 of these cases the Chief Officer authorised the removal of the individual's record. This may have included DNA records but we are unable to provide any further information to confirm this or otherwise.

[Clarification: this is for records from sometime in 2005 to when I tried to retrieve information for you.]



I trust the above information is useful to you in your research and I hope you understand that there is a finite limit to the amount and scope of retrievable information we record in terms of effective resource use.

N.B

Police forces in the United Kingdom are routinely required to provide statistics and information to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the data and information. It should be noted that for these reasons this force's response to your questions should not be used for comparison purposes with any other response you may receive.

Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large disparate administrative data systems generated by the courts and police forces. The detail collected to respond specifically to your request is subject to the inaccuracies inherent in any large scale recording system. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

The figures provided therefore are our best interpretation of relevance of data to your request but you should be aware that the collation of figures for ad hoc requests may have limitations and this should be taken into account when those data are used.

If you decide to write an article / use the enclosed data we would ask you to take into consideration the factors highlighted in this document so as to not mislead members of the public or official bodies or misrepresent the relevance of the whole or any part of this disclosed material.

Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact Stuart Barlow, Freedom of Information Manager, on telephone number 0845 123 3333 quoting the reference number.

Yours sincerely

Stuart Barlow
Freedom of Information Manager

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