

From: Freedom.of.Information@cheshire.pnn.police.uk
Subject: Re: Request for information - Freedom of Information Act 2000
Date: 12 December 2008 11:34:11 GMT
To: David Mery <dmery@acm.org>

Dear Mr Mery,

Re your query:

We would seek to clarify requests to establish the identity of the requestor and the reasons why they are requesting removal of data. This is well before we can actually consider the merits of a request and whether or not it fits the requirements of the Exceptional Cases procedure.

Regards

John Gannon

David Mery <dmery@acm.org> on 11/12/2008 17:10:52

To: Freedom.of.Information@cheshire.pnn.police.uk
cc:
Subject: Re: Request for information - Freedom of Information Act 2000

Dear Mr Gannon,

Many thanks for your response. I appreciate your detailed answer, within the acceptable constraints, in particular to Q4.

One clarification:

You wrote (for Q4): 'The majority of which could not be considered formal request as when asked why we should consider their request, they simply do not respond or they actually mean something different.'

By 'when asked why', you mean a letter that is genuinely querying further information, or the standard first refusal letter as per the template in the ACPO retention guidelines?

br -d

On 11 Dec 2008, at 16:54,
Freedom.of.Information@cheshire.pnn.police.uk wrote:

Dear Mr Mery,

I refer to your recent request for information under the Freedom of Information Act 2000 as set out below:

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.

In accordance with section 1(1) (b) of the Act our response is provided below;

Question 1.

2002 7370 profiles
2003 7127 profiles
2004 6114 profiles
2005 9664 profiles
2006 10814 profiles
2007 9096 profiles
01/01/2008 - 31/10/2008 7736 profiles

Question 2.

2002 7370 profiles
2003 7127 profiles
2004 6114 profiles
2005 9664 profiles
2006 10814 profiles
2007 9096 profiles
01/01/2008 - 31/10/2008 7736 profiles

Question 3.

We only hold figures for 2007 onwards.

Volunteer samples loaded 2007 - 37. 45 taken in total - 8 gave no consent to load

Volunteer samples loaded 2008 - 78. 131 taken in total - 53 gave no consent to load

Question 4

We are unable to supply this information. Cheshire Constabulary receives numerous 'requests' for the removal of DNA during the course of any one particular year. The majority of which could not be considered formal request as when asked why we should consider their request, they simply do not respond or they actually mean something different. To examine each correspondence to determine the answer to your question would it is estimated exceed the appropriate limit. The appropriate limit is defined in the Data Protection and Freedom of Information (Fees and Appropriate Limit) Regulations 2004, which is covered by statutory Instrument Number 3244 of 2004. Furthermore, section 12 of the Freedom of Information Act 2000 allows a public authority to refuse to respond to a request for information where the cost of compliance would exceed the appropriate limit as defined by the above mentioned regulations.

We can supply the following:

There have been 15 formal requests for the removal of DNA & other data received since 2006. All were from persons who had been arrested.

Question 5.

There have been 2 cases where the Chief Officer has agreed to remove the DNA & other data since 2006. Both were from persons who had been arrested.

If I can be of any further assistance in this matter, please do not hesitate to contact me.

If you are not satisfied with the decision applied in this case I enclose for your attention a copy of the Constabulary's appeal procedures.

(See attached file: FOI Appeals procedures.doc)

Regards

John Gannon
Freedom of Information Officer
01244 614176

Cheshire Constabulary HQ
Oakmere Road,
Winsford,
Cheshire,
CW7 2UA

| *****<FOI Appeals procedures.doc>

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David Mery +44 7973 204 214
dmery@acm.org <http://gizmonaut.net>

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