

Our Ref; 1772/08

Your Ref:

Date: 19<sup>th</sup> December 2008

Dear Mr Mery,

**Reference No: 1772/08**

I write in connection with your request for information dated 17<sup>th</sup> November 2008.

I note you seek access to the following information:

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.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

I can confirm, pursuant to s1(1)(a) of FOIA that this Force does hold the information you have requested in hard copy format.

The database contains approximately 40,000 records from a system that was introduced in April 2007. Since 2002 we would have well over 100,000 records.

In order to retrieve the information you have requested, it would be necessary to check each individual record to obtain the information. To access all records would therefore be in excess of the 18 hours specified by the Home Office as the time period for which a police force should allocate to a request under the Freedom of Information Act 2000. In the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, the current regulatory limit which has been set by the Secretary of State for public authorities, which includes the police service, is £450 for the marginal costs which are the costs of finding, sorting, editing or redacting information and disbursements (printing, photocopying etc). The Association of Chief Police Officers have agreed a national standard of an hourly rate of £25 is to be charged for the time taken. In essence therefore, the costs equate to 18 hours work per request. It will be apparent therefore that within the time frame of 18 hours it will not be possible to extract the information to answer any of your questions.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under s12(1) as the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

In this instance, I am unable to offer any suggestion as to how you could refine your request to bring it within the fees limit.

Yours sincerely,

Meena Chouhan  
For Information Security Manager

The Leicestershire Constabulary provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Ch. Supt., Professional Standards Department at the above address. If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Our Ref: 1772/08

Your Ref:

Date: 13<sup>th</sup> January 2009

### **Freedom of Information Act 2000**

Dear Mr Mery,

#### **Reference No: 1772/08**

I write further to your request for information dated 6<sup>th</sup> January 2009.

I note you seek access to the following information:

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.

Included in this letter is your email from 6<sup>th</sup> January 2009 which says the following:

Thank you for the Word attachment. You mention a database that contains approximately 40,000 records from a system that was introduced in April 2007. That seems to indicate that you likely can extract answers to all my questions, automatically from this database, limited to the period of April 2007 to now. In my email dated December 20th I suggested some ways my questions could be narrowed down to possibly be partially answered within acceptable limits of time/money, from your full letter it would seem that limiting the date to exclude information for all dates prior to April 2007 could be an acceptable solution.

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

Your request for information has now been considered and the information asked for is as follows narrowed down to April 07 – 17<sup>th</sup> November 2008: -

In response to question 4

*For each calendar year since April 2007, how many requests for DNA record 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.*

From records we hold there have been 6 official requests to the Chief Constable to remove an individuals DNA profile from the NDNAD.

From 22 records shown on our system only 3 specifically request removal of DNA.

In response to question 5

*For each calendar year since April 2007, how many requests for DNA record removals has your force agreed to (i.e. where the chief Officer decided 'Yes' – Action 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.*

Of the 6 requests above, 2 requests for removal were approved but they fell into the category of 'exceptional' circumstances. None of the requests were from volunteers.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

I can confirm, pursuant to s1(1)(a) of FOIA that this Force does hold the information you have requested in hard copy format.

The database contains approximately 40,000 records from a system that was introduced in April 2007. In order to retrieve the information you have requested, it would be necessary to check each individual custody record to obtain the information. To access all records would therefore be in excess of the 18 hours specified by the Home Office as the time period for which a police force should allocate to a request under the Freedom of Information Act 2000. In the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, the current regulatory limit which has been set by the Secretary of State for public authorities, which includes the police service, is £450 for the marginal costs which are the costs of finding, sorting, editing or redacting information and disbursements (printing, photocopying etc). The Association of Chief Police Officers have agreed a national standard of an hourly rate of £25 is to be charged for the time taken. In essence therefore, the costs equate to 18 hours work per request. It will be apparent therefore that within the time frame of 18 hours it will not be possible to extract the information to answer all of your questions.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under s12(1) as the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

To assist you it may be possible to obtain the information from National Policing Improvement Agency (NPIA) who actually manages the National DNA Database (NDNAD).

The Leicestershire Constabulary provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Ch. Supt., Professional Standards Department at the above address. If you decide to request such a review and having followed the Constabulary's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely,

M. Chouhan  
Data Protection Section  
Professional Standards Department

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