

From: Freedom.Of.Information@merseyside.police.uk
Subject: **Re: Response to FOI request DPMY-7LHBQU DNA submissions/removals**
Date: 19 December 2008 12:03:02 GMT
To: David Mery <dmery@acm.org>

Dear Mr Mery

Apologies for the delay in getting back to you. I have been investigating matters further with staff from our Central Submissions Unit on your behalf.

Taking your original questions again in order:

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

Does 'DNA profiles' refer to CJ samples taken on arrest and /or crime scene stains that result in a profile and subsequently loaded onto the National DNA database?

If this includes any profiles resulting from crime scene stains, then this is not recorded in numeric form. The results are received at the Central Submissions Unit but are assessed for forensic value only.

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.)

The CSU can only supply figures from February of this year and only for the number of samples they have sent off to the NDNADB. Unfortunately it is possible that other samples have been taken by officers but, for whatever reason, have not forwarded them to the CSU for processing and onward forwarding to the NDNADB. It would not be possible to ascertain these numbers.

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.)

The CSU do not record volunteer samples at present and, as above, they cannot ascertain how many are taken but not forwarded. Whilst volunteer samples should be directed through the CSU, it is believed that a number are sent to the Lab direct from Area.

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.

Such figures are not recorded in the CSU or by the PNC Bureau. Yes, the requests are obviously received by Merseyside Police and are judged on a case by case basis, but there appears to be no readily retrievable way of ascertaining these figures without manual research of all these cases, which would exceed the 18hr time/cost limit set by the FOI Act. I know there have been previous requests for this information which have similarly been refused on cost grounds. I understand that the Central Submissions Unit are now going to start keeping a count of removal requests and volunteer samples, although the problem will still remain that they can only keep a count of cases that they are aware of.

The NPIA / National DNA Database obviously keep their own records regarding removals, unfortunately they are not unable to easily produce a statistic either without (I assume) researching each individual case.

I appreciate that you must be disappointed with the response. In light of the above, it is difficult to know how we could refine the questions so that you could receive some degree of information within the Section 12 time/cost limits, especially as it seems that even the figures recorded from February would probably be inaccurate.

However, if I can be of further assistance to you, please do not hesitate to contact me.

Yours sincerely

Mr D May
Disclosure Analyst
Information Bureau
Merseyside Police

David Mery <dmery@acm.org> on 16/12/2008 14:54:36

To: Freedom.Of.Information@merseyside.police.uk
cc:

Subject: Re: Response to FOI request DPMY-7LHBQU DNA
submissions/removals

Dear Mr May,

Thank you for your email.

I am surprised by your advice that none of the information I seek is held by the Merseyside Police in a retrievable form and that it can be requested from the NPJA.

In particular, the ACPO retention guidelines clearly state that individuals wanting to get their DNA records destroyed must write to the chief of police of the force that arrested them, and that it is the chief of police of that force who has the discretion to accept such requests. Clearly information on this (at least my question 4) have to be with the Merseyside Police force. Can you explicitly confirm that this is information you are sharing with the NPJA?

Can you please provide advice and help if there's any possibility to limit my questions in ways you could answer within the acceptable constraints. (For instance, would narrowing my request to only the number of DNA profiles loaded for CJ arrestees, the number of request for removals received and granted - and this only for years 2006 to 2008 - be helpful?)

br -d

On 16 Dec 2008, at 14:21, Freedom.Of.Information@merseyside.police.uk wrote:

Freedom of Information - DPMY-7LHBQU

Dear Mr Mery

I write in connection with your request for information, received on 18/11/08, concerning:

various queries regarding submissions and deletions of DNA samples from 2002 to present

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

Section 17, Freedom of Information Act, 2000, requires Merseyside Police,

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(s) in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

Reason for Decision:

Merseyside Police does not hold the information that you have requested in a retrievable form. I am exempting your request under Section 12 of the Freedom of Information Act 2000.

Section 12 states that a public authority need not comply with a request for information if the cost of retrieving that information exceeds £450, or 18 hours based on a cost of £25 per hour. Unfortunately I am informed by our DNA Central Submissions Unit that the National DNA Database would greatly exceed the FOI time/cost threshold to compile the information you require.

For the purpose of the Act this communication therefore acts as a refusal notice.

Under Section 16, the duty to advise and assist, I would inform you that some (or all) of the information may be held by the National DNA Database, which is administered by the National Policing Improvement Agency. However, previous enquiries that Merseyside's DNA Central Submissions Unit have made with the National DNA Database have established that they do not hold the information in any readily retrievable format and could not therefore provide the information within the appropriate limit under the Act.

Complainant Rights:

Your attention is drawn to the below attached notice which details your right of complaint.

(Embedded image moved to file: pic02154.jpg)(See attached file: Complaints info.doc)

Should you have any further inquiries concerning this matter, please write to (or e-mail) me at the below address.

Yours faithfully

David May
Disclosure Analyst
Merseyside Police
Information Bureau
PO BOX 59
Liverpool
L69 1JD
E-mail: foi@merseyside.police.uk

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=====pic02154.jpg><Complaints info.doc>

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

Reclaim your civil liberties - <http://gizmonaut.net/blog/>

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