

From: "FOI" <FOI@essex.pnn.police.uk>
Subject: RE: Freedom of Information request our ref. 1742 [NOT PROTECTIVELY MARKED]
Date: 29 December 2008 21:41:56 GMT+09:00
To: "David Mery" <dmary@acm.org>

Classification: NOT PROTECTIVELY MARKED

Mr Mery

Following our previous correspondence I have a "best guess" from our Scenes of Crime Manager but this is not an accurate figure and is provided as an attempt to assist rather than a formal FOI reply which we have already provided. - Over the last three years we have received approximately 100 (one hundred) requests for DNA/Fingerprint removal and have granted approximately 10 (10%)

I hope this helps.

Steve Grayton
Assistant Freedom of Information Officer, Essex Police
Corporate Development Department
PO Box 2, Springfield, Chelmsford, CM2 6DA
Tel: 0300 333 4444 Ext 54551
Fax: 01245 452256
Email : Steve.grayton@essex.pnn.police.uk
For FOI requests : foi@essex.pnn.police.uk
Website: www.essex.police.uk

-----Original Message-----

From: David Mery [mailto:dmary@acm.org]
Sent: 18 December 2008 12:58
To: FOI
Subject: Re: Freedom of Information request our ref. 1742 [NOT PROTECTIVELY MARKED]

Dear Mr Grayton,

Many thanks for looking into what is possible. If, due to all the computer system changes, no data is available, it would be useful to have some order of magnitude of the number of requests for removals received and granted in the last three years (i.e., none, a handful, tens, hundreds).

Thanks for the links; I am aware of them. One which may be of interest to you (to help others interested in NDNAD data) which seems to be badly publicised is where the latest NDNAD annual report is:
<http://www.npia.police.uk/en/11403.htm>

On 18 Dec 2008, at 12:49, FOI wrote:

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Mr Mery

I am aware of our responsibilities but the difficulty we have is that much of the data on DNA you requested needs to be extracted from the Custody System used by Essex Police.

Unfortunately the custody system used by Essex Police simply does not have the capability to produce statistics for the purposes of answering FOI requests - it is a tool for recording the details of individuals taken into custody. The system has also been replaced in the last five years and there are other added complications such as the geographical changes in policing Divisions that have taken place over the last few years.

I have however asked our Forensic Intelligence Unit Manager to have a look at your request once more to see what is possible to obtain given the systems constraints and will be in touch again as soon as I get that guidance.

My apologies again if this is information you may already be aware of, but the below links to the Home Office and ACPO websites will provide you with a little more in the way of background information about the Police powers to take and retain non-intimate DNA samples from those arrested and taken into custody (even if the individual is later acquitted at court).

The link to the ACPO website is a recent press release concerning the recent European Court of Human Rights ruling on the subject.

Home Office website

<http://www.homeoffice.gov.uk/about-us/organisation/directorate-search/crcsg/ppod/fsru/national-dna-database-documents>

<http://www.homeoffice.gov.uk/science-research/using-science/dna-database/>

ACPO website

http://www.acpo.police.uk/pressrelease.asp?PR_GUID={6F49FDCA-9150-4278-A5D7-9368DCF93CE4}

Steve Grayton

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-----Original Message-----

From: David Mery [<mailto:dmery@acm.org>]

Sent: 07 December 2008 17:36

To: Steve Grayton

Subject: Re: Freedom of Information request our ref. 1742 [NOT PROTECTIVELY MARKED]

Dear Mr Grayton,

Thank you for your email. May I remind you that, as specified in Section 16 of the Act, you have a duty to provide me with me advice and assistance. You wrote that finding answers to the five questions I asked would require a manual review of many records and exceed cost and/or time constraints for a FOIA.

That being the case I would expect your help in narrowing my request to questions that you can answer within the acceptable constraints. If this means you can answer only some of the questions I asked, I would be most interested in order of priority by question 4 (requests for removal received), then 5 (requests granted), then 2 (CJ arrestees added), then 3 (volunteers added) and eventually 1 (total added).

I look forward to reading your advice in how I can obtain a partial answer to my request.

On 5 Dec 2008, at 14:05, Steve Grayton wrote:

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Thank you for your enquiry which has been logged under the above reference. Having completed my enquiries I am able to respond as follows:

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 Essex Police 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.

Unfortunately Essex Police does not hold this information in a readily accessible format. To retrieve the information requested would require a manual review of all custody and DNA records which would exceed the time / cost constraints of FOI.

For the purposes of section 17 of the Freedom of Information Act 2000 (FOIA) this response serves as a formal notification of refusal of your request on the basis that Essex Police does not hold, for the purposes of FOIA, the specific data in a readily accessible format. That is to say, this data is not extractable from a central database or held in a spreadsheet. To ascertain whether this information is held would entail a manual search of Essex Police records; a process which would be likely to exceed the appropriate limit (as mentioned at section 12 of the FOIA) in terms of cost/time (£450 or the equivalent in time of 18 hours).

I am sorry that we have been unable to assist you.

Steve Grayton
Assistant Freedom of Information Officer, Essex Police

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Essex Police provides you the right to request a re-examination of your case under its review procedure. If you decide to request such a review and having followed the Police'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.

-----Original Message-----

From: Steve Grayton **On Behalf Of** FOI

Sent: 18 November 2008 09:00

To: 'David Mery'

Subject: RE: Freedom of Information request our ref. 1742 [NOT PROTECTIVELY MARKED]

Classification: NOT PROTECTIVELY MARKED

Thank you for your enquiry which has been logged under the above reference.

Under the Freedom of Information Act we are required to reply within 20 working days and we will formally respond within that timescale.

Steve Grayton
Assistant Freedom of Information Officer, Essex Police

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-----Original Message-----

From: David Mery [<mailto:dmary@acm.org>]
Sent: 17 November 2008 22:14
To: FOI
Subject: FOIA request concerning the processing of DNA records

-----BEGIN PGP SIGNED MESSAGE-----
Hash: SHA1

Dear Sir/Madam,

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 Essex Police 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.

Name: David Mery
Email address for this correspondence: dmary@acm.org

I look forward to receiving this data.

Best regards -d

- - -

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

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

-----BEGIN PGP SIGNATURE-----
Version: GnuPG v1.4.8 (Darwin)

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