

**Correspondence with the Metropolitan Police Service (MPS) about a Subject Access Request (SAR) to request a copy of my legal file and its deletion. (Names and email addresses have been redacted.)**

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– 1 –

From: David 'Panda' Mery <david@gizmonaut.net>  
Subject: Ref: 2015070000402  
Date: 27 August 2015 20:45:09 BST  
To: subjectaccessrequest@met.police.uk

Dear Sir/Madam,

Thank you for informing me that my SAR ref: 2015070000402 is unfortunately taking longer than anticipated to process.

I am concerned that some of the data I have requested is due to be deleted on September 2nd. As explained in my SAR, I am keen to both receive this data before it is deleted and to witness the deletion.

Please confirm that these requests are being taken into account.

Rgds.

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– 2 –

**From:** <[redacted]@met.pnn.police.uk>  
**Subject:** SAR:2015070000402  
**Date:** 28 August 2015 12:13:22 BST  
**To:** <david@gizmonaut.net>

Dear Mr Mery

Thank you for your email expressing your concerns about witnessing the destruction of your file which you have stated will take place on the 2nd of September.

First and foremost, I can assure you that this will not be the case, as I have had confirmation from the appropriate department that the retention period for the destruction of 7years will elapse in 2016.

Having confirmed this, I need confirmation from you with regards to the department that gave you the advice that you will be allowed to witness the destruction of your file.

Can you please send me the name and contact details of the person/department who made this arrangement with you, as we will need to contact the department/person to make them aware of your request.

I apologise for the experienced delay in disclosing your information to you within the 40day specified deadline.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**  
**Internal [redacted] | External [redacted] | Fax [redacted]**  
**Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 3 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 28 August 2015 12:38:33 BST  
**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Thank you for your prompt reply, however it does not allay my concerns as it contradicts previous communication.

R[redacted] B[redacted], MPS Director Legal Services wrote on 2009-07-27 to my solicitor: 'All litigation files maintained by the Directorate of Legal Services are not kept for longer than 6 years. Then they are destroyed. The same is true of relevant DPS files'. Your reference on this letter is L27086/RAB (I can provide you with a scan of this letter if needs be.)

The apology letter from the MPS was the last communication regarding this case and was dated 2009-09-02.

Six years from this last communication is the 2015-09-02, next week.

So please explain how come you received confirmation from the appropriate department (Legal Services or DPS?) that the retention period is seven years, when I have received communication from the MPS Director Legal Services it was six years?

Rgds.

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– 4 –

**From:** <[redacted]@met.pnn.police.uk>  
**Subject: RE: SAR:2015070000402**  
**Date:** 28 August 2015 14:28:35 BST  
**To:** <david@gizmonaut.net>

Dear Mr Mery

Thanks for your response. DLS have been contacted regarding this matter and I am waiting for their response.

The appropriate department contacted is the Records Management department, they deal with all matters relating to records management within the Met at large

The timeframe for the file destruction has not yet been set therefore it cannot be destroyed anytime soon. The Metropolitan's retention policy is 7 years and definitely not 6 years.

I can only assume this is an error from DLS.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**

**Internal [redacted] | External [redacted] | Fax [redacted]  
Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 5 –

**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 28 August 2015 15:09:22 BST

**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Can you please send me the retention policy you are referring to. I just checked MOPI at <https://www.app.college.police.uk/app-content/information-management/management-of-police-information/retention-review-and-disposal-of-police-information/> and it doesn't appear to describe retention for this type of information.

I am distressed by your assumption that the written statement by a director of Legal Services must be an error. Does that mean that all the other assurances I received from the MPS Legal Services may be erroneous statements as well, for instance about the deletion and destruction of my finger and palm prints, my DNA profile and samples, my PNC record and my photographs? If I can't trust letters from the MPS Legal Services to be accurate, what kind of statements or assurances can I obtain from the MPS that I can trust, if any?

Rgds.

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– 6 –

**From:** <[redacted]@met.pnn.police.uk>

**Subject: RE: SAR:2015070000402**

**Date:** 1 September 2015 11:37:44 BST

**To:** <david@gizmonaut.net>

Dear Mr Mery

Please see the link below which shows what our retention period.

[http://www.met.police.uk/foi/pdfs/policies/rmb\\_review\\_retention\\_disposal2014.pdf](http://www.met.police.uk/foi/pdfs/policies/rmb_review_retention_disposal2014.pdf).

With regards to my statement about the error from DLS, this is solely referring to the time period of 6 years given to you, and this does not in any way apply to any other information which you might have been given or supplied with.

As I clearly wrote that it is my assumption that the time frame was an error, and not a statement of fact.

Once again, I have it on authority that the file has not been marked for destruction.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**

**Internal [redacted] | External [redacted] | Fax [redacted]  
Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 7 –

**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 1 September 2015 12:45:02 BST

**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Thank you very much for the retention policy. As this civil action did not go to court doesn't it fit in the 'Group 4 Subset 10: Complaints investigated internally' for which the action is 'Retain for 6 years after last action'? If it had gone to court, then obviously it would have been covered by the box above for which the action is to retain for one more year.

I understand that your assumption was limited to the retention period stated by DLS, but if part of a written statement by DLS is erroneous, this would demonstrate a lack of sufficient quality assurance and anything else communicated by DLS in writing in the same letter or in similar fashion could equally well be assumed to be potentially erroneous. This is what I find distressing.

Rgds.

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– 8 –

**From:** <[redacted]@met.pnn.police.uk>

**Subject: RE: SAR:2015070000402**

**Date:** 1 September 2015 14:29:45 BST

**To:** <david@gizmonaut.net>

Dear Mr Mery

I apologise if my use of word has caused you any distress, this was solely not the intention. I was merely expressing what might have been a mistake in terms of the number stated.

The period that applies to your file is Group 4 subset10 : Complaints investigations externally.

As I stated in my previous email, and with confirmation from Records Management, the circumstances into the records we hold relating to you might exceed the normal retention time.

I am currently working on your information available for disclosure.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**  
**Internal [redacted] | External [redacted] | Fax [redacted]**  
**Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 9 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 1 September 2015 14:48:12 BST  
**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Thank you for offering an apology, but the distress comes from how trustworthy one can consider DLS communications to be, not from your use of words.

When you have completed your work on this disclosure, I would very much appreciate if you can include an explanation of how the circumstances into these records held might exceed the normal retention time and by how much.

Rgds.

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– 10 –

**From:** <[redacted]@met.pnn.police.uk>  
**Subject: RE: SAR:2015070000402**  
**Date:** 2 September 2015 12:56:41 BST  
**To:** <david@gizmonaut.net>

Dear Mr Mery

I have had response back from DLS, and I can authoritatively state that there is no error in the message passed onto you about the file been set for a 6 year retention.

The 6 year retention period is the DLS policy, whilst the Metropolitan's retention policy at large is 7years. The file is the MPS property, hence my initial response.

Therefore, there is no misleading intention from the department. I hope this clarifies any doubt my use of words might have created.

The destruction for this still stands at years, which will be next year. It has also been confirmed by DLS that there was no agreement made with you to witness the destruction of the file.

Once the files have been destroyed, you can be provided with a written confirmation.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**  
**Internal [redacted] | External [redacted] | Fax [redacted]**  
**Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 11 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 2 September 2015 13:58:58 BST  
**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Thank you for your enquiries and your clarifications.

It is correct that no agreement was made for me to witness the destruction six or seven years hence; this was not discussed with DLS. I had requested to witness the deletion/destruction of my finger and palm prints, DNA profile and samples and PNC record, but that is one thing that happened really speedily and my request was dealt with too late and I was told the deletions and destructions had already happened. Hence making this request now to witness the deletion/destruction of the the remaining information the MPS holds about me, when it is effectively deleted or destroyed.

Rgds.

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– 12 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 5 September 2015 13:45:28 BST  
**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

I have just received the SAR. Thank you very much for your work on this. I do have a few remaining questions:

- 1) The witness statement of L[redacted] T[redacted] is 'consisting of 6 pages' but only the first page was included in the disclosure. Can you please send me the missing pages and check that no other document held has similarly be forgotten.
- 2) Many of the documents are cut on the side. In many but not all cases the missing words can be guessed but this is unhelpful. I do not know how you redact the documents, but if it is easier for you to generate copies of the document with redactions safely implemented electronically so the pages are not cut when being photocopied, a PGP encrypted email or a CD would be perfectly acceptable instead. (My PGP key can be downloaded from <http://gizmonaut.net/contact/>.)

3) In your accompanying letter, you wrote 'At present a date has not been set for the destruction. The reason behind is due to the circumstances of the casefile. Therefore the file might be kept longer than the normal 7 years.' a) What are the circumstances of my casefile that might justify a retention longer than 7 years? b) When will a date be set for the destruction of the data the MPS holds about me in relation to this case? c) Which department and which role in this department will make this decision? d) How will I be informed when this decision has been made? e) Is it correct that the seven-year period starts from 2009-09-02, the date the MPS sent their apology letter, and if not from which date does it start?

4) In your accompanying letter, you wrote 'there will be no physical attendance to witness the destruction of your file once it has reached the end of its retention period, rather a letter can be sent to you confirming its destruction.' Can I apply to witness the destruction of my file, and if so how to proceed?

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– 13 –

**From:** <[redacted]@met.pnn.police.uk>  
**Subject: RE: SAR:2015070000402**  
**Date:** 14 September 2015 12:58:02 BST  
**To:** <david@gizmonaut.net>

Dear Mr Merry

Please see below answers to your enquiries raised under each question

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**

**Internal [redacted] | External [redacted] | Fax [redacted]  
Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

**Protective Marking: Not Protectively Marked  
Not / Suitable for Publication: N**

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**From:** David 'Panda' Mery [mailto:david@gizmonaut.net]  
**Sent:** 05 September 2015 13:45  
**To:** A[redacted] - HQ Performance Risk & Assurance  
**Subject:** Re: SAR:2015070000402

Dear Ms A[redacted],

I have just received the SAR. Thank you very much for your work on this. I do have a few remaining questions:

1) The witness statement of L[redacted] T[redacted] is 'consisting of 6 pages' but only the first page was included in the disclosure. Can you please send me the missing pages and check that no other document held has similarly be forgotten.

**The remaining pages cannot be disclosed under the Act, these are operational information which do not relate to you.**

2) Many of the documents are cut on the side. In many but not all cases the missing words can be guessed but this is unhelpful. I do not know how you redact the documents, but if it is easier for you to generate copies of the document with redactions safely implemented electronically so the pages are not cut when being photocopied, a PGP encrypted email or a CD would be perfectly acceptable instead. (My PGP key can be downloaded from <http://gizmonaut.net/contact/>.)

**I have printed the information again in pdf format, it has been put in the post today as recorded delivery**

3) In your accompanying letter, you wrote 'At present a date has not been set for the destruction. The reason behind is due to the circumstances of the casefile. Therefore the file might be kept longer than the normal 7 years.' a) What are the circumstances of my casefile that might justify a retention longer than 7 years? b) When will a date be set for the destruction of the data the MPS holds about me in relation to this case? c) Which department and which role in this department will make this decision? d) How will I be informed when this decision has been made? e) Is it correct that the seven-year period starts from 2009-09-02, the date the MPS sent their apology letter, and if not from which date does it start?

**a) According to the information from Records management, the retention period might be longer than the 7 years period due to the profile of the case.**

**b) The records management department will set the date for destruction, information given from a member of staff who deals with this states that no date has been set.**

**c) The Records Management deals with the retention of files.**

**d) You will be informed by letter once the file has been destroyed.**

**e) Unfortunately I can't confirm this today, but will confirm with a member of staff from Records Management tomorrow, as they would be able to give an appropriate answer**

4) In your accompanying letter, you wrote 'there will be no physical attendance to witness the destruction of your file once it has reached the end of its retention period, rather a letter can be sent to you confirming its destruction.' Can I apply to witness the destruction of my file, and if so how to proceed?

**The answer to do is No, based on the advice from the Records Management department that handles this aspect. The option available is a letter confirming the destruction of the files once it has been done.**



Rgds.

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David 'Panda' Mery <http://gizmonaut.net>

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– 14 –

**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 16 September 2015 10:19:17 BST

**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Thank you very much for your detailed response, which does answer most of my remaining questions.

I am still non-plused though by 'a] According to the information from Records management, the retention period might be longer than the 7 years period due to the profile of the case.' Can you please obtain an explanation from Records management about what they mean by 'the profile of the case', how much 'longer than the 7 year period' is and how this is decided? Further to this in b) they told you that no date has been set for destruction, but they have not provided any information as to when they will make this decision. I.e, I understand that when the file will be destructed is not set, and what I am concerned is when they will decide on that date as if that is not schedule it may never happen.

I look forward to receiving clarification on this remaining confusion, the answer to 3)e) you have been promised by Records management and the PDF you have sent me.

Thank you for all your work in dealing with this SAR. This is much appreciated.

Rgds.

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– 15 –

**From:** <[redacted]@met.pnn.police.uk>

**Subject: RE: SAR:2015070000402**

**Date:** 17 September 2015 14:51:47 BST

**To:** <david@gizmonaut.net>

Dear Mr Mery

Please see below the advice given by Records Management with regards to the date of your file destruction.

" Destruction would be routinely expected 7 years after the last date on the file, in your case, it is 2009. That affords destroy action in 2016. For files due for destroy action in 2016 there is one common destroy date once the whole of 2016 has passed. The date is 01/01/17, or the nearest commercial day thereafter."

In summary the file will not be destroyed until January 2017. Once the file is destroyed, the records management system will be updated to show that destroy action has taken place.

I hope this clarifies the question asked.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**  
**Internal [redacted] | External [redacted] | Fax [redacted]**  
**Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 16 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 17 September 2015 22:00:07 BST  
**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

On 17 Sep 2015, at 15:51, <[redacted]@met.pnn.police.uk>  
<[redacted]@met.pnn.police.uk> wrote:

Please see below the advice given by Records Management with regards to the date of your file destruction.

" Destruction would be routinely expected 7 years after the last date on the file, in your case, it is 2009. That affords destroy action in 2016. For files due for destroy action in 2016 there is one common destroy date once the whole of 2016 has passed. The date is 01/01/17, or the nearest commercial day thereafter."

In summary the file will not be destroyed until January 2017. Once the file is destroyed, the records management system will be updated to show that destroy action has taken place.

I hope this clarifies the question asked.

No this does not clarify: 'According to the information from Records management, the retention period might be longer than the 7 years period due to the profile of the case.'

For what reasons would my file not be destroyed on 01/01/17, or the nearest commercial day thereafter? What aspect of the 'profile of the case' means a special retention rule would apply, and what is this rule? Which section of the retention policy document defines it? And who would decide that when?

Rgds.

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– 17 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 1 October 2015 22:43:48 BST  
**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

When do you expect you will be able to obtain a clarification of 'According to the information from Records management, the retention period might be longer than the 7 years period due to the profile of the case.' (as per my email dated 2015-09-17 copied below) so this SAR can be closed?

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– 18 –

**From:** <[redacted]@met.pnn.police.uk>

**Subject: RE: SAR:2015070000402**

**Date:** 6 October 2015 12:18:54 BST

**To:** <david@gizmonaut.net>

Dear Mr Mery

I assumed I had responded to your email, apologies for the oversight.

As stated previously, the retention might be longer than the 7 years due to the fact that the MPS was sued, as well as the complaints involved. This was the reason given.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**

**Internal [redacted] | External [redacted] | Fax [redacted]  
Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 19 –

**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 6 October 2015 13:06:00 BST

**To:** [redacted]@met.pnn.police.uk

Dear Mrs A[redacted],

I appreciate your efforts in trying to get clarification from the Records management department, however, unfortunately, I still do not understand your latest explanation.

The DLS needed to retain my file for six years due to my initial complaint and subsequent attempted legal action (we settled before it went to court), hence the DLS no longer needs my file anymore as the retention is now in its seventh year. So my file is currently retained only due to the Met's overall retention policy of seven years. I.e., my file is already being retained one year longer than strictly necessary 'due to the fact that the MPS was sued, as well as the complaints involved'.

Hence 'the fact that the MPS was sued, as well as the complaints involved' does not validly justify any further extension of the retention period after the seven year retention period as defined in the Met's policy document you sent me.

I also note that there has not been any attempt to address the entirety of my request for clarifications detailed as 'For what reasons would my file not be destroyed on 01/01/17, or the nearest commercial day thereafter? What aspect of the 'profile of the case' means a special retention rule would apply, and what is this rule? Which section of the retention policy document defines it? And who would decide that when?'

Rgds.

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– 20 –

**From:** <[redacted]@met.pnn.police.uk>  
**Subject: RE: SAR:2015070000402**  
**Date:** 6 October 2015 14:29:31 BST  
**To:** <david@gizmonaut.net>

Dear Mr Mery

The information I have given to you was based on the advice given by the contact from Records Management.

I'm sure that once the file reaches its destruction due date, it will be destroyed.

As stated initially, you can write in and information regarding the destruction will be provided.

Regards

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**  
**Internal [redacted] | External [redacted] | Fax [redacted]**  
**Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 21 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 6 October 2015 14:53:59 BST  
**To:** [redacted]@met.pnn.police.uk

Dear Mrs A[redacted],

On the one hand you write 'the retention might be longer than the 7 years' and on the other 'I'm sure that once the file reaches its destruction due date, it will be destroyed.' Which one is the stronger assurance: the one from Record management that my data might be retained for more than seven years' or your assurance that it won't as you are sure it will be destroyed at the seven years retention mark?

Sorry if I missed this information you said you already communicated, who can I write in to to obtain the clarification I requested (an email contact is preferred)? Do you mean the Information Commissioner's Office, which I will contact in any case if I can't get a clear understanding of when my file will be destroyed?

Rgds.

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– 22 –

**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 16 October 2015 21:40:55 BST

**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

You have been very helpful and I am thankful for this but do not seem to be able to obtain the clarification needed to close this request. Is there an internal review process for SARs similar to that of internal reviews for FoI requests, and if so how can I apply for it, or should I start the process of a complaint to the ICO directly?

Rgds.

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– 23 –

**From:** <[redacted]@met.pnn.police.uk>

**Subject: RE: SAR:2015070000402**

**Date:** 28 October 2015 11:00:42 GMT

**To:** <david@gizmonaut.net>

Dear Mr Panda

I apologise for the late response of to your email. With regards to your first email, the information given, was obtained from the Records Management which deals with all records deletion within the Met.

So as it has been stated, the record relating to your information will be deleted next year, and as I have stated previously with regards to the information given, a definite date has not been set.

You can write to the DLS to be notified when the file is destroyed.

As for internal reviews, this can be carried out if you feel that your request was not dealt with appropriately, or the information requested for was not provided.

On the other hand, you can contact the ICO directly.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**

**Internal [redacted] | External [redacted] | Fax [redacted]**

**Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 24 –

**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 2 November 2015 01:12:28 GMT

**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Can you please have my SAR internally reviewed.

As per my previous emails, I have appreciated your helpfulness, but you have unfortunately been unable to obtain clarifications on some important points of your initial answers. My email dated 2015-10-06, copied below, recaps what remains to be addressed to be able to close this SAR and should be the focus of the internal review:

The DLS needed to retain my file for six years due to my initial complaint and subsequent attempted legal action (we settled before it went to court), hence the DLS no longer needs my file anymore as the retention is now in its seventh year. So my file is currently retained only due to the Met's overall retention policy of seven years. I.e., my file is already being retained one year longer than strictly necessary 'due to the fact that the MPS was sued, as well as the complaints involved'.

Hence 'the fact that the MPS was sued, as well as the complaints involved' does not validly justify any further extension of the retention period after the seven year retention period as defined in the Met's policy document you sent me.

I also note that there has not been any attempt to address the entirety of my request for clarifications detailed as 'For what reasons would my file not be destructed on 01/01/17, or the nearest commercial day thereafter? What aspect of the 'profile of the case' means a special retention rule would apply, and what is this rule? Which section of the retention policy document defines it? And who would decide that when?'

Rgds.

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– 25 –

**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 10 November 2015 18:02:37 GMT

**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Can you please confirm that my SAR is being internally reviewed?

Rgds.

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– 26 –

**From:** <[redacted]@met.pnn.police.uk>

**Subject: RE: SAR:2015070000402**

**Date:** 16 November 2015 11:16:17 GMT

**To:** <david@gizmonaut.net>

Dear Mr Mery

This has been passed onto a manager who will review.

Yours sincerely

**[redacted] | Privacy Assistant | Performance and Assurance | Met HQ | Metropolitan Police Service**  
**Internal [redacted] | External [redacted] | Fax [redacted]**  
**Address Information Rights Unit, P O Box 57192, London SW6 1SF. | Internal: 4th Floor, Empress State Building**

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– 27 –

**From:** David 'Panda' Mery <david@gizmonaut.net>  
**Subject: Re: SAR:2015070000402**  
**Date:** 16 November 2015 11:57:37 GMT  
**To:** [redacted]@met.pnn.police.uk

Dear Ms A[redacted],

Thank you this confirmation and your help.

Rgds.

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– 28 –

**From:** <[redacted]@met.pnn.police.uk>  
**Subject: SAR:2015070000402**  
**Date:** 16 December 2015 14:38:16 GMT  
**To:** <david@gizmonaut.net>

Hello Mr Mery

I have read your email trail and for clarity could you please explain what points are outstanding?

With regards to your query surrounding the destruction of the file. A[redacted] has given you the correct advice. Our records management process is that a file will be flagged up to be reviewed on a certain date. On or around that date it will be manually reviewed to decide whether it can be destroyed or whether there is a Policing need to retain the file for a longer period. We in the Information Rights Unit do not make such decisions around individual files and we are only passing on the advise we have been given. As your file has not come up for its review date the Records Management cannot comment on your particular file. If you have any further questions regarding the retention of your file I would suggest that you direct them to DLS who have given you the initial advise. Our Records Management department can only give generic advise and it would appear that you want specific advise about your file.

The contact details for DLS are;

Directorate Of Legal Services  
Metropolitan Police Service  
10, Lambs Conduit Street,  
London  
WC1N 3NR

DX 320101, Bloomsbury 12  
Fax number: 020 7404 7089

Regards

[redacted] | Privacy Advisor & Team Leader | Performance and Assurance |  
Professionalism | METHQ | Metropolitan Police Service  
**Address: Information Rights Unit, PO Box 57192, London, SW6 1SF**

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**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 20 December 2015 16:03:26 GMT

**To:** [redacted]@met.pnn.police.uk

Dear Ms H[redacted],

Thank you for your response. If I understand correctly, you are in effect saying your department is just conveying to me what Records Management is telling you and that I should contact DLS. I find this unfortunately unsatisfactory. My request for clarification is specifically about retention of personal data which surely should be in the remit of the Information Rights Unit?

Also as already explained Records Management was specific in that my file is already being retained one year longer than necessary 'due to the fact that the MPS was sued, as well as the complaints involved' (reason given by Records Management to Ms A[redacted]) while 'the fact that the MPS was sued, as well as the complaints involved' (as explained by Ms A[redacted]) does not validly justify any further extension of the retention period after the seven year retention period as defined in the Met's policy document 'Corporate Retention, Review and Disposal Schedule V1' describing the policing needs for data retention. So even without looking at the specifics of my case, the information your department obtained from Records Management is in apparent breach of the MPS policy concerning data retention. Furthermore as my case was settled before it went to court, it arguably fits in the second row of Group 4 Subset 10 of the 'Corporate Retention, Review and Disposal Schedule V1', which has as an action 'Retain for 6 years after last action'. This has also not been clarified in the information relayed from Records Management and would make this claim for an indeterminate retention of at least seven years even more incomprehensible for all data subjects whose civil action did not go to court.

Now as regard to what is somehow specific to my case, Ms A[redacted] explained that my personal data was retained as an MPS policy as enforced by Records Management in effect trump what DLS had told me, so as DLS explicitly told me they didn't need my file after six years and it is now retained by rules set in place by Records Management (in breach of the MPS policy on retention), I do not see what DLS could add unless they can enforce Records Management to follow DLS's own retention needs which Ms A[redacted] explained was not possible. This can also be viewed as a non-case specific issue, i.e., considering DLS and Records Management claim to have different retention periods for case files (six and at least seven years respectively), how can Records Management justify their additional retention needs when it is not supported by the MPS retention policy document nor by DLS needs.

Lastly how the MPS is organised should be of no relevance to data subjects. As Ms A[redacted] wrote '[t]he file is the MPS property', hence data subjects should have one answer about retention of their files without having to check with several MPS's internal departments.



Best wishes for the festive season.

Rgds.

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**From:** David 'Panda' Mery <david@gizmonaut.net>

**Subject: Re: SAR:2015070000402**

**Date:** 9 February 2016 17:18:40 GMT

**To:** [redacted]@met.pnn.police.uk

Dear Ms H[redacted],

When can I expect a substantive response?

Rgds.

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