

NOT PROTECTIVELY MARKED

8 October 2009

Your Ref:

Our Ref: 0760/09

Mr John Anderson
Request-18384-72551c84@whatdotheyknow.com

Force Disclosure Unit
Police Headquarters
173 Pitt Street
GLASGOW
G2 4JS

Tel: 0141 435 1216

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Dear Mr Anderson

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER 0760/09

I refer to your request for information dated 21 September 2009, which was received by Strathclyde Police on same date and clarified by you on 30 September 2009.

Your request for information has now been considered and on 8 October 2009, a decision was made to provide some of the information requested by you. Some of the information requested by you is, however, considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Strathclyde Police to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice and an explanation of the appropriate exemption is provided.

I wish to know when a person is arrested their name, address, date of birth, occupation, photograph and presumably the alleged offence is recorded on the Police computer system somehow. This is which I refer to as an arrest record. I wish to know how long Strathclyde Police retain this information for when a person was not convicted of any offence.

I can inform you that when a person is arrested information is firstly recorded on the Prisoner Processing System. Information would also be recorded on Crime Management, the Registry and ICRS (Intranet Case Reporting System).

Please note that regardless of whether or not a person is convicted, the information is held on the Police Computer Systems for the time periods stated in the police Records Retention Schedule.

The Records Retention Schedule is already publicly available, therefore, in terms of Section 25(1) (Information otherwise accessible) of the Act, this information is exempt as it can already be reasonably obtained. The information can be found at the following link and the relevant pages you require are 61, 29, 93 and 105.

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<http://www.strathclyde.police.uk/index.asp?locID=535&docID=-1>

Additionally, details of an accused person would be held on their individual record on the Criminal History System and any pending cases would also be marked on the record. The record would also include any photographs, fingerprints and description of the accused, along with details of any DNA samples taken. If the case is marked 'no proceedings' by the Procurator Fiscal then this would be marked on the record. The record would then be held on for a period of 6 months as a temporary retention in order for administrative arrangements to take place, i.e. the destruction of photographs, fingerprints and DNA samples.

Please note that if you have any specific issue in relation to information that the police may hold about you then you are entitled to apply for a Subject Access Request under the Data Protection Act 1998. Subject to certain exemptions you have the right to be told whether any information is held about you and a right to obtain a copy of that information. The procedure for obtaining this information is contained within our Freedom of Information Publication Scheme and I have included the link below.

<http://www.strathclyde.police.uk/index.asp?locID=497&docID=-1>

Unfortunately, the process cannot be carried out electronically although you can print the application form and submit it along with the documents required as proof of identity. The form is attached in Acrobat format at the bottom of the page. The fee involved can be paid by a cheque or money order made payable to Strathclyde Joint Police Board, submitted with the form and proof of identity.

I hope this information is helpful, however, if you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance to request a review of the decision made by the Force. Should you wish to request such a review, please write to Mrs Sheena Brennan, Disclosure Manager at the above address within 40 working days of receiving this letter.

Once informed of the Review Panel's decision, if you are still not satisfied, then you are entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

I would like to take this opportunity to thank you for your interest in Strathclyde Police. Should you require any further assistance concerning this matter please contact me directly on 0141 435 1216 quoting the reference number given.

Yours sincerely

Colette McFarlane
Freedom of Information Officer