

Mr John Anderson

By e-mail to: request-29673-f1b35b73@whatdotheyknow.com

Our Reference: 47099

16th March 2010

Dear Mr Anderson,

I am writing with reference to your request for information regarding PNC requests by U.S.A Authorities, dated 24th February 2010, made under section 1(1) of the Freedom of Information Act.

You asked for the following information:

“Under the FOI act, I wish to know how many times the U.S.A State or Federal authorities for example the USA Homeland security or Immigration have request an additional PNC check regarding any UK citizens when travelling to the USA on holiday, ie, when a UK citizen has been stopped at any USA border of entry. Could this be from 1st of January 2005 till 1st November 2009 or if the costs prohibit for as many years as costs allow.”

The NPIA are unable to neither confirm nor deny it holds the information you requested, as to do so would exceed the cost limit specified in the Freedom of Information Act.

Section 12(1) of the Freedom of Information Act does not oblige a public authority to comply with a request for information if the cost of complying exceeds a cost limit, known as the ‘appropriate limit’, which is specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For public authorities such as the NPIA, this cost limit has been set at £450. These costs are limited to those that an authority reasonably expects to incur in:

- determining whether it holds the information requested,
- locating the information or documents containing the information,
- retrieving such information or documents, and
- extracting the information from the document containing it.

The Regulations also specify that costs which are attributable to the time spent by persons undertaking any of the activities mentioned above are to be calculated at a standard rate of £25 per hour. This represents the estimated cost of one person spending a maximum of 2½ working days dealing with a request.

The Police National Computer (PNC) does contain a field for logging a reason for the transaction. However, there is currently no facility to search this field, and as there can be over 100 million transactions in a year, this would require a manual search of each record to retrieve the information.

As the PNC is an intelligence system, its ad-hoc search facilities are fairly limited, which require code to be compiled to perform the search. Previous requests for ad-hoc searches have also attracted the cost limit, and we would also require the criteria you wish to search on.

The NPIA are not currently aware of any particular route which the US authorities request PNC checks, and this may depend on circumstances around the request. However, please find attached a list of those authorities who have access to the PNC (see appendix A), which may help you in obtaining the information you require.

Your right to complain

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will investigate the matter and endeavour to reply within 3 – 6 weeks. You should write to:

David Horne
Director of Resources
National Policing Improvement Agency
10-18 Victoria Street
London
SW1H 0NN

E-mail: david.horne@npia.pnn.police.uk

If you are still dissatisfied following our internal review, you have the right, under section 50 of the Act, to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by the NPIA. The Information Commissioner can be contacted at:

National Policing Improvement Agency

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Further information about the NPIA is routinely published on our website at www.npia.police.uk or through our publication scheme. If you require any further assistance in connection with this request please contact us at our address above.

Yours sincerely,

Andy Woodgate
IKS Advisor
National Policing Improvement Agency

Appendix A: Organisations with Access to Nominal Information on PNC

Assets Recovery Agency
Centrex
Charity Commission for England & Wales
Criminal Cases Review Commission
Criminal Records Bureau
Defence Vetting Agency
Department for Constitutional Affairs - Crown Court Jury Service
Department for Constitutional Affairs - Warrants
Department for Transport
Department of Trade and Industry
Dept for Environment, Food and Rural Affairs
Disclosure Scotland/SCRO
(DSS) Department of Works & Pension Solicitors
Environment Agency
Financial Services Authority
Foreign and Commonwealth Office
Health & Safety Executive
Highways Agency
HM Prison Service
HM Revenue and Customs
HMIC (Her Majesty's Inspectorate of Constabulary)
Home Office NOMIS Project
Home Office (PA Consulting) Persistent Offenders
Home Office Data Quality and Integrity Team
Home Office Departmental Security Unit
Home Office Immigration & Nationality Directorate
Home Office Immigration Managed Migration Directorate
Home Office Research, Development & Statistics Directorate
Information Commissioner

IPCC (Independent Police Complaints Commission)
National Air Traffic Services
National Identification Service
NHS Counter Fraud Services
Office for Civil Nuclear Security
Office of Fair Trading
Pensions Regulator
Project Semaphore (e-Borders) (Home Office Project)
RAF Provost and Security Service
Royal Mail (Post Office) Consignia Security & Investigation Services
Scottish Crime Drug Enforcement Agency (SCDEA)
Secret Intelligence Service
Security Service
Serious Organised Crime Agency (SOCA)
Service Police Crime Bureau (previously known as Army Provost RMP)
VOSA (Vehicle and Operator Services Agency)

Avon and Somerset Constabulary
Bedfordshire Police
Cambridgeshire Constabulary
City of London Police
Cheshire Constabulary
Cleveland Police
Cumbria Constabulary
Derbyshire Constabulary
Devon and Cornwall Constabulary
Dorset Police
Durham Constabulary
Dyfed-Powys Police
Essex Police
Gloucestershire Constabulary
Greater Manchester Police
Gwent Police

Hampshire Constabulary
Hertfordshire Constabulary
Humberside Police
Kent Police
Lancashire Constabulary
Leicestershire Constabulary
Lincolnshire Police
Merseyside Police
Metropolitan Police
Norfolk Constabulary
North Wales Police
North Yorkshire Police
Northamptonshire Police
Northumbria Police
Nottinghamshire Police
South Wales Police
South Yorkshire Police
Staffordshire Police
Suffolk Constabulary
Surrey Police
Sussex Police
Thames Valley Police
Warwickshire Police
West Mercia Constabulary
West Midlands Police
West Yorkshire Police
Wiltshire Constabulary

Central Scotland Police
Dumfries and Galloway Constabulary
Fife Constabulary
Grampian Police
Lothian and Borders Police

Northern Constabulary

Strathclyde Police

Tayside Police

Police Service of Northern Ireland

British Transport Police

The Civil Nuclear Constabulary (UKAEAC)

Isle of Man Constabulary

Mersey Tunnels Police

Ministry of Defence Police

Port of Tilbury Police

States of Jersey Police