



Freedom of Information, Information Compliance Unit, Kent Police Headquarters, Sutton Road,
Maidstone, Kent ME15 9BZ Phone: 01622 654429
Fax: 01622 654437 - e-mail: freedomofinformation@kent.pnn.police.uk

Mr. John Anderson
request-7453-75487e22@whatdotheyknow.com

Date: 2nd June 2009

Tel No.: (DDI) 01622 654429

FOI Ref.: 894/2009

Dear Mr Anderson,

FREEDOM OF INFORMATION REQUEST 894/2009

I write in connection with your request for information received by Kent Police on 31st January 2009. I am conscious that this request finds you some time after the statutory time limit permitted to a public authority for dealing with requests has passed and for this lateness I apologise.

Following receipt of your request, searches were conducted within Kent Police to locate information relevant to your request and I can respond to you as follows.

As of the 4th December 2008;

Question 1. How many DNA and fingerprint samples of innocent people have been deleted?

Question 2. How many innocent people requested their DNA and fingerprint samples be deleted?

Answer: It is not possible to provide this information for each year since the DNA database was established, as Kent Police records do not date back this far. However it is possible to provide the information requested from 2005 to date. Please note many of the requests received in 2008 are second attempts where destruction was refused in 2006 and 2007.

The table overleaf shows the number of requests to remove DNA and personal information from record that were received in each year since 2005, the number where the DNA records were retained, and the number where these records were destroyed or transferred to other police forces.

In your questions one and two above you use the phrase "innocent people". Kent Police is not a judicial authority and cannot comment upon a person's status as an innocent person nor declare a person to be an innocent person.

Therefore the data contained in this letter relates to the number of "people" – each one of whom may or may not be innocent – rather than "innocent people". Any representation that the data relates specifically to innocent people would be inaccurate.

Year	Received	Retained	Destroyed	Other
2005	3	1	1	1 transferred to other police force.
2006	10	9	1	
2007	4	3	1	
2008	14	3	5	6 under consideration or transferred to other police force.
2009 (Up to 16 th April 2009)	12	6	6	

In order for DNA and personal information to be removed from the DNA database each request must meet the exceptional case criteria. The exceptional case criteria are contained on the ACPO website in the document 'Retention Guidelines for Nominal Records on the Police National Computer'. This document can be accessed via the following link <http://www.acpo.police.uk/asp/policies/Data/Retention%20of%20Records06.pdf> and information pertinent to your request can be found on pages 11-13. I am enclosing these pages with this response.

Question 3. If no DNA and fingerprint samples have been deleted I wish to know the reasons WHY as the UK Government has been found to be in breach of innocent peoples human rights and this would be considered a crime in itself.

Answer: The table above confirms that Kent Police has removed DNA and fingerprint samples from the DNA database.

Question 4. As there is no right of appeal from a final decision made by the Grand Chamber when will your police force be routinely be deleting records of innocent people?

Answer: This question asks for comment, which is not a form of information that is disclosable under the Freedom of Information Act 2000. However I can provide the following statement from Mr. Michael Doherty Freedom of Information and Data Protection Advisor for Kent Police:

"Following the European Court of Human Rights decision the Home Secretary recently announced a public consultation exercise into her proposals for changing the law on collection, retention and deletion of DNA and fingerprints from the national DNA database. The current law has not changed. Further information regarding the announcement can be found at the Home Office website at www.homeoffice.gov.uk/documents/cons-2009-dna-database/.

Kent Police's current position when dealing with requests for the deletion of Police National Computer records and the destruction of fingerprint and DNA samples of unconvicted people remains the same. Only in exceptional cases will the Assistance Chief Constable consider destruction".

Thank you for your interest in Kent Police and I hope the information provided is of assistance to you. A sheet, which summarised your rights, was enclosed with the acknowledgement sent to you and as suggested therein, should you have any further issues concerning this matter, please contact me by any of the above means quoting the reference number, also shown above.

Yours sincerely,

Laura Birchley
Freedom of Information Administrator