

**Freedom of Information Office  
Corporate Development  
Warwickshire Police Headquarters**

PO Box 4, Leek Wootton  
Warwickshire CV35 7QB

Telephone: 01926 415720

Fax No: 01926 415306

email: xxxxxxxx.xxxxxxxxxxxx@xxxxxxxxxxxxx.xxx.xxxxxx.xx

Date: 25 March, 2009

Mr J. Anderson

xxxxxxxxxxxxxxxxxxxxxxxx @xxxxxxxxxxxxxxxxxxx

Dear Mr. Anderson,

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: F-2009-00051**

I write in connection with your request for information dated 31 January, 2009 which was received by Warwickshire Police on 02 February, 2009, in which you seek access to the following information.

As of the 4th of December 2008

1: How many DNA and fingerprint samples of innocent people have deleted ?

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

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

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 ?

Following receipt of your request searches were conducted within Warwickshire Police to locate information relevant to your request. Please find below the response to your questions.

Q1. and Q2. No DNA has been removed since 4th December, 2008

Q3. and Q4. Please find attached extracts from 2 documents held by Warwickshire Police, which provide the information requested in Questions 3. and 4.

Exemption under Section 31(1)(a)(b)(c) FOIA – 'Law Enforcement' is applicable to some of the information contained in those documents. Section 31 is a Qualified Prejudice-based exemption which requires me to evidence the harm that disclosure would cause, and requires consideration of a Public Interest Test. These are outlined below.

## Harm

A small amount of information has been removed from the documents, as releasing these details into the public domain would provide information that could assist individuals wishing to cause disruption to the work being undertaken in this area. This would prejudice effective law enforcement, which would be in direct conflict with public interest.

## Public Interest Test

### Considerations Favouring Disclosure

#### Openness and Accountability

Where information disclosed relates directly to the efficiency and effectiveness of the Force or its Officers. In this case the public interest has been satisfied by the information that has been released, which provides the information requested.

### Considerations Favouring Non-Disclosure

#### Efficient and Effective Conduct of the Force.

Where the current or future law enforcement role of the force may be compromised by the release of information.

## Balancing Test

I have considered your request carefully, and am aware that a full copy of the documents released in response to your request would be of particular interest to you, and possibly to other members of the public. This interest is satisfied by the information that has been released. Whilst accountability favours disclosure, it is essential that the release of information does not prejudice current or future law enforcement in any way, or does not serve a 'tangible community benefit'. In this case the information that has been identified and has not been provided would not be of benefit to the community, and releasing this information would have a negative impact on law enforcement.

It is my decision; therefore, that in this case the public interest test balance favours non-disclosure of the information that has been removed from these documents.

In accordance with the Freedom of Information Act 2000, this letter acts as the Refusal Notice I am required to provide to you.

## Appeal Rights

Your attention is drawn to the attached sheet, which details your right of appeal.

Should you have any further enquiries concerning this matter, please do not hesitate to contact this office.

Yours sincerely



Sabina Harris  
Information Compliance Officer



## WARWICKSHIRE POLICE FREEDOM OF INFORMATION APPEALS PROCEDURE

This appeals procedure is issued in accordance with paragraph 36 of the Lord Chancellor's Freedom of Information Access Code of Practice.

### Appeal Notification

When a Freedom of Information (FOI) applicant, who has made a request for information, is dissatisfied with the response received from Warwickshire Police, the FOI applicant should inform Warwickshire Police in writing (this may be by email) of the reasons why the response is deemed unsatisfactory.

Should a person who feels that Warwickshire Police is not complying with its Publication Scheme, the person should inform Warwickshire Police in writing (this may be by email) of the reasons for their dissatisfaction.

### Action by Warwickshire Police

When a dissatisfaction report is received, the circumstances of the dispute will be reviewed initially by the Decision Makers in the Freedom of Information Office.

If the Decision Makers are unable to resolve the dispute with the FOI applicant, the dispute will be referred to a Board comprising a Head of Department and a Chief Officer. The Board will not have been involved in the original decision making process to compile the response.

The Board will consider the dispute and will advise the FOI applicant of their decision as soon as practicable, but within 20 working days.

### Further Action by FOI Applicant

If the FOI applicant remains dissatisfied with the Warwickshire Police response, they then have the option to refer the case to the Information Commissioner.