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24/06/2016

Dear Mr Durand

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 000115/16**

Thank you for your request for information regarding PNC and SIS II Alerts which has now been considered.

**Applicant Question:**

Request 1

I would like to have more information on the types of markers/categories used in the PNC in relation to individuals (as opposed to vehicles, objects etc.). As far as I am aware there are at least two types of 'markers' on the PNC: 'Wanted/missing' or 'Locate and trace'.

However there also seems to be further categorisations, for example in the guidance published by the College of Policing in issuing Article 32 Alerts in regards to the Schengen Information System, it is stated that 'An Article 32 alert is created automatically when an officer records a person as missing on the PNC'. Could you clarify which specific 'marker' or 'category' this is on the PNC? Just as an example, would someone who has failed to appear (at either the police station or the court) after being bailed be classified as 'missing', or 'wanted'?

If possible, I would like a list of all the possible markers/(sub-)categories that can be listed on the PNC, as well as explanations and details on the situations under which they are used. Please make it obvious which are the 'main' markers and which are the 'subcategories' that correspond with the individual type of marker. If an official handbook/guideline (or an excerpt from such a document) regarding this matter is available, please kindly provide it to me, regardless of the organisation that issued the document. If there is no such official document, or if the document does not contain all of the information as specified above, one that is written subsequent to this request containing the details as described above would also be acceptable.

Request 2

I would like to NPCC to provide data on outstanding alerts issued by the UK under Article 38 of the 'SIS II' Decision/Regulation. I only require data regarding the following types of objects/documents:

- 1) 'Issued identity papers such as passports, identity cards, driving licences, residence permits and travel documents which have been stolen, misappropriated, lost or invalidated'



2) 'Securities and means of payment such as cheques, credit cards, bonds, stocks and shares which have been stolen, misappropriated, lost or invalidated'

For objects under 1), please provide the name of the organisation/agency and the country that issued the said document, if possible. For those under 2), please provide the name of the issuing company/bank if possible.

#### Request 3

I wish for the NPCC to disclose some data relating to outstanding alerts issued under Article 34 on the Schengen Information System II (SIS II). Please create one spreadsheet for each 'type' of Article 34 alert, namely: 'Locating witnesses', 'Locating persons summoned: investigation stage', 'Locating persons summoned: conviction stage', and 'Locating persons served with criminal judgments'.

Please breakdown the data for each 'subcategory' of Article 34 alerts by the following categories, if the information is available: nationality of the individual, year and month of birth of the individual, and offence(s) involved.

If this exceeds the cost limit, I will only need the data for those alerts created by the Metropolitan Police. If this still exceeds the cost limit, it will be acceptable to not include data for alerts issued for witnesses.

#### Request 4

I wish for the NPCC to disclose some data relating to outstanding alerts issued under Article 36 for individuals on the Schengen Information System II (SIS II). Data on Article 36 alerts for vehicles/containers are therefore not required.

Please breakdown the data for Article 36 alerts for individuals by the following categories, if the information is available: nationality of the individual, year and month of birth of the individual, and offence(s) involved. Please also indicate clearly whether the individual either:

- a) intends to commit or is committing a serious criminal offence OR
- b) it is believed that the person will commit serious criminal offences in the future, in particular regarding their past criminal offences.

If this exceeds the cost limit, I will only need the data for those alerts created by the Metropolitan Police.

#### **NPCC Response:**

As previously articulated to you I have aggregated these requests together as they are substantially similar in as much as they relate to PNC/ SIS II alerts.

Section 17 of the Freedom of Information Act 2000 requires NPCC, when refusing to provide information by way of exemption, to provide you with a notice which, (a) states that fact (b) specifies the exemption in question, and (c) states why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for request.

Unfortunately your request is over burdensome as the retrieval of the information is likely to locate considerable data which would require consultation with a large number of stakeholders across Europe. Therefore S14(1) Vexatious is engaged.

This is mainly applicable to parts 2, 3 and 4 of your request.

#### **Section 14(1) – Vexatious**

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

Parts 2, 3 and 4 of your request are seeking data from the Schengen Information System (SIS II). The Schengen System is a European wide database, the information would include thousands of records.

Your requests, initially, do not state that you only wish to see information uploaded by UK police forces. Therefore we have interpreted your request as seeking data that is visible through the PNC uploaded by any UK police force and any European law enforcement agencies.

The Schengen Area combines 26 different European nations who will update records for both Article 32 and 34 reports<sup>1</sup>. This information can be accessed by the UK Police Service through the Police National Computer (PNC). Therefore a large volume of data would need to be reviewed.

As an example ACRO alone in the past two years have updated in excess of four thousand Article 32 records onto SIS II through PNC. If we consider that UK forces will upload information which may be shared through SIS II and each of the 26 European Countries who filter data through SIS II this would retrieve thousands of alerts.

The data requested is likely to be extrapolated however it may need to be cross checked and each piece will require consultation with stakeholders. This stakeholder consultation would not only be within the UK but also with each country to determine whether there is any harm in providing this information publically.

SIS II allows alerts to be issued for various reasons, these include:

- 1) To refuse entry to persons who do not have the rights to enter or stay in Schengen territory.
- 2) To find and detain a person for whom a European Arrest Warrant has been issued.
- 3) To assist in locating individuals or objects as requested by judicial or law enforcement authorities.
- 4) To find stolen or lost property.<sup>2</sup>

Number 3 above links into your question 4. You are seeking nationality, year and month of birth and the offences involved. You are also seeking the basis for the upload onto SIS II. This will all directly relate to intelligence. This will include intelligence of forces within the UK but also those overseas. Each piece of intelligence would need to be reviewed, with that particular force, to determine the suitability of disclosure. The information is likely to be of use to criminals who may be able to determine that the police have issued an SIS II which could affect their movement in Europe. This consultation would be necessary so as to not undermine international law enforcement.

To put into context there are currently, as per the European Commission's website, 45 million alerts on SIS II. 39 million relate to lost or stolen documents (your question two).

You have stated on your requests that if this information exceeds the cost threshold to retrieve then to focus on the Metropolitan Police. Unfortunately, this would still be a huge burden. The MPS are likely to far exceed the number of uploads onto the SIS II system compared to ACRO. The intelligence would still need to be reviewed and cross checked nationally and locally to determine whether there is any harm in disclosing that information.

Previously ACPO has cited S14(1) in regards to burdensome and this was upheld by the Information Commissioners Office. ACPO was asked to review and redact over 600 documents. This was deemed burdensome on the authority and upheld by the ICO.

[https://ico.org.uk/media/action-weve-taken/decision-notice/2014/1025456/fs\\_50539606.pdf](https://ico.org.uk/media/action-weve-taken/decision-notice/2014/1025456/fs_50539606.pdf)

This request will include thousands of pieces of intelligence/ alerts uploaded by a wide range of authorities. Each piece will need to be reviewed and discussed with the force who uploaded that particular alert. That alert may also be of interest to other police forces in the UK or overseas. This will require engagement with them in order to determine whether the data is suitable for disclosure. As the NPCC Decision Maker role is completed by one person, to appropriately assess and engage the data retrieved would seriously impinge on the NPCC's ability to meet its statutory requirements under the Act for the current and any new requests received. This impact would likely lead to a backlog of requests.

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<sup>1</sup> <http://www.schengenvisainfo.com/schengen-visa-countries-list/>

<sup>2</sup> [http://europa.eu/rapid/press-release MEMO-13-309 en.htm](http://europa.eu/rapid/press-release_MEMO-13-309_en.htm)

However, in order to assist you, for the first part of the request I can advise that details of PNC markers are found online:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/488515/PNC\\_v5.0\\_EXT\\_clean.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488515/PNC_v5.0_EXT_clean.pdf)

I have also conducted some very brief research and the following direct web-link to the PNC manual that was disclosed in 2012 lists the types of warning marker reports which may be helpful:

<http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.levesoninquiry.org.uk/wp-content/uploads/2012/04/Exhibit-KW-NIPA3.pdf>

Therefore due to the volume of data captured by the request I have cited S14(1) due to the level of burden imposed on the NPCC to complete it.

Under section 16, I have a duty to assist and to offer advice however, even with your refinement to an individual force, it would still be over burdensome to complete.

On this occasion I am unable to assist you.

Yours sincerely

**Darrel Bunce**

for

Sherry Traquair

Freedom of Information Officer & Decision Maker

[www.npcc.police.uk](http://www.npcc.police.uk)

## COMPLAINT RIGHTS

### Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.