

Sumsi Timonda

Email: request-6227883dbd8b89@whatdotheyknow.com

12 October 2020

Dear Sumsi Timonda,

Freedom of Information request (our ref: 59239): internal review

Thank you for your email requesting an internal review of the response to your Freedom of Information (FoI) request **59239**. As part of your FoI request you had asked for clarification regarding an earlier response you had received. Your request can be viewed in full at **Annex A**.

I have now completed the review and have assessed the substance of the response provided to you. I can confirm that I was not involved in the initial handling of your request. This request is one of a number of requests submitted in a short period of time regarding a similar subject matter.

A full copy of the response to your FoI request can be found in **Annex B**. This included an apology, with the response confirming that you had been provided with some incorrect information, in relation to one of your previous requests.

I have considered the points you have raised in your internal review request which can be found in full at **Annex C**. I note that you have asked three specific questions, in relation to your previous responses.

Q.1) As stated in FOI **57692** – The Home Office does not have a separate storage area for API data. However, after five years the data becomes subject to further access controls, which may have been interpreted as ‘being archived to a separate storage area’.

Q.2) In 2008 Ministers did state that it was, at the time, envisaged that the future e-borders system would retain PNR data for five years. However, the e-

borders solution was never implemented. The e-borders pilot, Semaphore, has been retained. Border Force and Immigration Enforcement require the ability to access travel-related data for five years, with flexibility to allow access to older data on a case by case basis for a further five years. As a Home Office system, managed by Border Force, Semaphore therefore retains API data for ten years, as envisaged by the Code of Practice.

Q.3) There is no significance of the original date provided, this was simply an error. The team has stated that it was nothing to do with GDPR. I have been advised that when providing the initial response, there was a filter on the set of data which resulted in an incorrect result. As soon as this was realised steps were put in place to obtain the correct information and let you know of the error made. The team were already in the process of preparing an apology, when you made a further request.

I hope the explanation above has helped explain the reason for the response in this case.

This concludes the internal review.

Yours sincerely

A Campbell
Information Rights Team

Annex A – original Request dated 25 June 2020

-----Original Message-----

From: Sumsi Timonda <request-622788-3dbd8b89@whatdotheyknow.com>

Sent: 25 June 2020 10:58

To: FOI Requests <FOIRequests@homeoffice.gov.uk>

Subject: 59239 - Re: Freedom of Information request - API Records

Dear Home Office,

Thank you for your comprehensive responses to my previous FOIs. I would like further clarification on your response to question 2 of FOIR 58918.

It is not very clear how your retention standards for API and PNR have changed since you started collecting API data. I understand that the code of practice allows retention for up to 10 years. However, the oldest piece of information currently held is from June 2013 which is only seven years old. Please clarify how data retention has changed between 2004 and 2020 in practice. It would be helpful if you clarify whether the automated deletion process underlined in your response to question one has changed or if data less than 10 years old was manually removed at some point. If the automated retention/deletion processes have changed, please identify when they were last changed and under what policies they operated between 2004 until that date.

Yours faithfully,

Sumsi Timonda

Annex B – Original Response dated 16 July 2020

Digital, Data and Technology
Digital Services at the Border
Lunar House
Croydon
CR9 2BY
www.gov.uk/home-office

Sumsi Timonda Via email to: request-6227883dbd8b89@whatdotheyknow.com

16 July 2020

Dear Sumsi Timonda,

Freedom of Information Act 2000 Request (Our Reference **59239**)

Thank you for your e-mail of 25 June 2020, in which you seek clarification on the answer previously submitted on question two of a previous Freedom of Information Request, reference **58918**.

Your request has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

I can confirm that:

Your question: It is not very clear how your retention standards for API and PNR have changed since you started collecting API data. I understand that the code of practice allows retention for up to 10 years. However, the oldest piece of information currently held is from June 2013 which is only seven years old. Please clarify how data retention has changed between 2004 and 2020 in practice. It would be helpful if you clarify whether the automated deletion process underlined in your response to question one has changed or if data less than 10 years old was manually removed at some point. If the automated retention/deletion processes have changed, please identify when they were last changed and under what policies they operated between 2004 until that date.

Our response: Unfortunately, we provided incorrect information to you in response to request 58424, specifically the line: "I can confirm that the oldest API record held on Semaphore, as of March 2020, is 25 June 2013." As stated in response to request 58918, Semaphore operates an automatic

process to delete data older than 10 years and, as of 29 June 2020, the oldest data it holds, is dated 20 July 2010. The automatic process was implemented in 2017. Prior to that there was a manual process. No data less than 10 years old has been manually deleted at any time.

Yours sincerely,

Digital Services at the Border Email: foirequests@homeoffice.gov.uk

Annex C – Request for an internal review

From: Sumsi Timonda <request-622788-3dbd8b89@whatdotheyknow.com>
Sent on: Thursday, July 16, 2020 11:23:42 AM
To: FOI Requests <FOIRequests@homeoffice.gov.uk>
Subject: Internal review of Freedom of Information request - API Records

Follow up:

Dear Home Office,

I am writing to request an internal review of my FOI requests related to API data--56603, 57692, 58424, 58618, 58919, and 59239.

The latest response (59239) claims I was provided incorrect information in response to FOIR 58424, specifically the line "I can confirm that the oldest API record held on Semaphore, as of March 2020, is 25 June 2013." However, this piece of information was also confirmed in response to 58618, specifically "In our original response we said that API data is held for 10 years, with the oldest piece of information being from 2013. This is correct for all records."

These contradictory statements undermine the credibility of all information provided by the Home Office during the course of my FOI requests related to API data. Furthermore, incorrect information was also provided by the DPU team which was later clarified.

The crux of my requests is the retention periods for API data. I would be grateful if the following points can be confirmed and/or clarified during the internal review process:

1) Whether or not there is a "separate storage area" or an "archived database" for storing data older than 5 years. This has been referred to in the ICBI's inspection of exit checks (<https://assets.publishing.service.gov.uk...> page 26) and the Deputy CEO of the UKBA's letter to the European Commission (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/99062/13807_2.pdf).

2) Clarification of statements made by the Home Office related to retention of API data for 5 years, specifically, Parliamentary Under-Secretary of State for Security and Counter-Terrorism (Lord West of Spithead)'s statement to the

House of Lords: "On the issue of Project Semaphore and how long data will be held, at the moment the information is held for about five years" (<https://hansard.parliament.uk/lords/2008-02-25/debates/f60f5856-fa7c-40b3-8e00-77b50f77e202/LordsChamber>) and Parliamentary Under-Secretary of State for the Home Department (Meg Hillier)'s statement to a committee of the House of Commons: "I will touch on the length of time that data are retained, which depends on the different agencies. For e-Borders, data are retained for five years." (<https://publications.parliament.uk/pa/cm200708/cmgeneral/deleg6/080219/80219s01.htm>)

3) Is there any significance of the date stated response to FOIR 58424 (25 June 2013) for the oldest record in Semaphore? On closer examination, is there any correlation with the coming into force of the GDPR Act on May 25 2018? This would make the oldest data available on that day 4 years and 11 months, corresponding to a 5-year retention period before that day.

Yours faithfully,

Sumsi Timonda

Annex D –Complaints Procedure

If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

<https://ico.org.uk/make-a-complaint/>