



## ASSOCIATION OF CHIEF POLICE OFFICERS

c/o PO BOX 481  
Fareham  
Hampshire  
PO14 9FS

Tel: 02380 674255

Email: [acpo.request@foi.pnn.police.uk](mailto:acpo.request@foi.pnn.police.uk)

15/08/2013

Dear Mr Andrews

**FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 000158/13 & 000171/13**

Thank you for your request for information regarding PNC – Scottish Records, which has now been considered.

**Applicant Question:**

1. If a Scottish Arrest Record (no conviction) was 'weeded' from the PNC, does it then not show up on an ACPO police certificate, i.e. will a single arrest without any subsequent conviction, weeded in accordance with Scottish legislation, mean that the certificate will still be clear and state "No Trace".

**Further question posed on 07/08/2013:**

2. As part of my recent FOI request regarding Scottish PNC records, could you also please clarify what actually happens to records on the PNC which have been transferred from the Scottish Criminal History System, at the end of a Scottish retention period.

For example, a Scottish arrest record (not resulting in a conviction) – is this removed permanently from the PNC at the same time as it is weeded on the Scottish system, or is it 'stepped down' in the same way English arrest records might be?

3. Basically I would like to know the retention rules for Scottish data, particularly non conviction data.

**ACPO Response:**

**Part 1 & 2**

A public authority is entitled to treat a request for information as invalid where specific recorded information is not specified. Section 8(1) of the Act sets out the requirements of a valid request for information and says that a request must, amongst other things 'describe the information'. Parts 1 and 2 of your request do not state the specific recorded information you seek.

The Freedom of Information Act affords anyone in the world the right to request information held by a public authority. It does not cover thoughts and / or opinion.

Your current request is too wide ranging and does not identify the precise nature of the information you are seeking.

Although Freedom of Information was designed to assist the public in obtaining recorded information from public authorities, the legislation does not allow applicants to submit open ended requests.

In order for me to accept your request, I first need to ascertain what specific recorded information it is you are seeking. I would ordinarily invite you to resubmit your original request, clarifying the specific document you seek which would contain the information that you have requested.

To assist you, I have however liaised with my colleagues within the business area which relates to your subject matter in order to provide you with as much information as I can outside of the Act. The information is as follows:

If an arrest record is weeded from the Scottish Criminal History System (CHS) then it is manually weeded from PNC by Police Scotland. Hence, it will not show on PNC and therefore produce a no trace certificate. However, there is a 7 – 9 day delay between the weeding from CHS and the weeding from PNC. In very unusual circumstances it could be weeded from CHS but still appear on PNC due to this delay. The delay would be identified as a Scottish Offence and ACRO would check against CHS.

### **Part 3**

ACPO do hold information captured by your request. I attach to this response, a document titled Recording, Weeding and Retention of Information on Criminal History System (CHS) Version 2.00 dated 2013. This document is not protectively marked.

In addition to providing the document named above, I also provide for your convenience, direct web-link found during my own research which may assist you:

Criminal Records – Weeding Policy:

<http://www.disclosurescotland.co.uk/publications/documents/WEEDINGPOLICYrevised111007.doc>

ACPO Retention Guidelines for Nominal Records on the Police National Computer:

<http://www.acpo.police.uk/documents/PoliceCertificates/SubjectAccess/Retention%20of%20Records06.pdf>

Yours sincerely

Sherry Traquair  
**Freedom of Information Officer & Decision Maker**

[www.acpo.police.uk](http://www.acpo.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 ACPO to have the decision reviewed within 2 months 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 ACPO Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with ACPO, 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.