

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by D McIntyre (reference 19656)

**Responding Unit: Information Management Service (IMS)**

**Chronology**

Original Fol request:	11 August 2011
Acknowledgement:	None sent
IMS's response:	18 August 2011
Request for internal review:	23 August 2011

**Subject of request**

1. D McIntyre requested information surrounding the Police National Computer and the definition of a 'national' database. The full wording of the request is included at Annex A of this report. On the 'whatdotheyknow' website D McIntyre has responded without comment to letters addressed to 'Mr McIntyre', so I will refer to Mr McIntyre in the rest of this report.

**The response by IMS**

2. The response to Mr McIntyre stated that the Home Office does not hold the information requested, advising him that the Police National Computer (PNC) was the responsibility of the National Policing Improvement Agency (NPIA) and providing the Agency's contact details.

**Request for an internal review**

3. Mr McIntyre requested an internal review of the handling of the original request. He stated that his request 'centres around whether it is correct to refer to the Police National Computer as the national database for England and Wales,' adding that the request did not ask who manages the PNC and that he was well aware that this was the responsibility of the NPIA.
4. The full wording of the request for an internal review is included at Annex B of this report.

**Procedural issues**

5. Mr McIntyre's original request was recorded as having been received on 11 August 2011. Accordingly the deadline for IMS to respond was 9 September. The response sent on 18 August therefore complied with

section 10(1) of the Act, which requires a request to be responded to within 20 working days.

6. It does not appear that the request was acknowledged. Whilst not a requirement of the Act, this is considered good practice. That said, however, I would add that the substantive response was sent promptly to Mr McIntyre on the 5<sup>th</sup> working day following receipt of the request.
7. Mr McIntyre was informed in writing of his right to request an independent internal review of the handling of his request, as required by section 17(7)(a) of the Act.
8. The response also informed Mr McIntyre of his right of complaint to the Information Commissioner, as set out in section 17(7)(b) of the Act.

### **Consideration of the response**

9. I have considered the IMS response.
10. In his original request, Mr McIntyre asks the following question about the Police National Computer (PNC): 'is it correct to refer to the PNC as the national database for England and Wales,' and asks for the Home Office's opinion on this statement.
11. The Freedom of Information Act provides two key rights of access with regards to information held by public bodies. In the first instance, it provides the right to know whether recorded information is held. In the second instance, it provides the right to have recorded information communicated, unless it is otherwise exempt from disclosure. In this respect the Act is confined to the provision and disclosure of recorded information, not the statement of opinion or the creation of new information.
12. Although Mr McIntyre's request has been handled under the Act, it seems clear that the request is not for recorded information but is instead is seeking the answer to a question. This should have been dealt with under normal correspondence. However, as the request was considered under the Act I have conducted a review of the handling of the response. I would add that the wording of Mr McIntyre's internal review request is also not a request for recorded information.
13. The IMS response advised Mr McIntyre that the Home Office did not hold the information requested and provided the contact details of the NPIA which was responsible for the PNC.
14. I have investigated whether the Home Office holds information within the scope of Mr McIntyre's original request and can confirm that it does not.

### **Advice and assistance**

15. The original IMS response suggested that Mr McIntyre should contact the NPIA and provided the Agency's contact details. I am aware from Mr McIntyre's entry on the 'whatdotheyknow' website that the same request for information under the Act was made to the NPIA, to which the Agency provided a response.

### **Conclusion**

16. Having considered the IMS response, I am satisfied that a proper response was provided to Mr McIntyre and that the Home Office does not hold the information requested. I would add that it is questionable as to whether the request was one which should have been responded to under the Act.
17. I am also satisfied that sections 10(1), 17(7)(a) and (b) were satisfied.

**Information Access Team**  
**Home Office**  
**20 September 2011**

## **Annex A**

This is a FOI request surrounding the Police National Computer and the definition of a 'national' database.

Considering that statutory authority for the existence of the PNC is provided by section 27(4) of the Police and Criminal Evidence Act 1984 which extends to England and Wales only and that further regulations provided by the National Police Records (Recordable Offences) Regulations 2000 (SI 2000/1139) extends to England and Wales only and that any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77), including the cadets under the control of the chief constable of that force is to be regarded as a 'restrictedly listed police force' and therefore out with NPIA's authority is it correct to refer to the Police National Computer as the national database for England and Wales.

If you disagree with this assertion and believe that the Police National Computer should be referred to as the national database for the United Kingdom, please provide all statutory evidence (primary as well as secondary) that enables you to make this assertion.

## **Annex B**

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Home Office's handling of my FOI request 'Police National Computer definition'.

I disagree with the reply that I have received. My request did not ask who manages the 'PNC' I'm well aware that the NPIA [the Agency] have the remit for managing the PNC. My request centres around whether it is correct to refer to the Police National Computer as the national database for England and Wales.

Statutory authority for the existence of the PNC is provided by section 27(4) of the Police and Criminal Evidence Act 1984 which extends to England and Wales only. As per schedule one of the Police and Justice Act 2006, the Agency require the approval of the Secretary of State for the Home Department for changes in the policy or practice of the Agency. Therefore if any changes were to be made as to the remit of the PNC, approval must be made to the Secretary of State.

My original request is entirely valid in being directed towards the Home Office. What is the correct definition of the PNC (how would the Secretary of State for the Home Department describe it to Parliament).

If it were to be described as the national database for the United Kingdom, please provide all statutory evidence (primary as well as secondary) that enables you to make this assertion.