

Dear [REDACTED],

Enquiry Ref: 2018/9498

I write in connection with your request for information dated 5th March which was received by Cleveland Police on that date and your chase up e-mail of 9th April 2018. Please accept our apologies for the late response caused by staffing issues within this office, which has led to a substantial backlog of requests, your patience is appreciated. I note you seek access to the following information:

1. What practical procedure/s does your force have in place to ensure the review and or deletion of custody images after 6 years?

a) Cleveland Police will consider deletion as part of the revised Management of Police Information (MOPI) procedure but as at the date of your request we are awaiting guidance.

2. If there is a procedure in place, how many images have been deleted as the result of a periodic review (rather than following an individual's application for deletion)?

a) As at the date of your request we are awaiting guidance on the implementation of Scheduled or Triggered Reviews.

We have received one request that was accepted and deleted.

3. How many images on your custody image database are of un-convicted persons?

Please see below

4. Since February 2017, how much has your force spent on the deletion of custody images of un-convicted people?

a) No Information held, as at the date of your request we are awaiting guidance on the implementation of Scheduled or Triggered Reviews, additionally any such actions would be as part of the normal duties of the staff member and would not be recorded and/or recharged separately.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1 (1) (a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1) (b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not otherwise be apparent) why the exemption applies.

Having contacted Custody Management regarding question 3 of your request we have been advised that the system used by Cleveland Police will not allow for the type of search required, there is a limit on the number of records that it can search through/for and the number of custody images far exceeds this number. Additionally to determine how many of those held were of un-convicted persons would require the manual retrieval of each image, and the associated personal details, to facilitate a search of the Police National Computer (PNC) to identify those that have not been convicted of an offence. It is estimated that this would take in excess of the appropriate time stipulated by the Secretary for Constitutional Affairs, Lord Falconer on the 18th Of October 2004, that is, eighteen hours. This falls under the exemption of 'Compliance exceeding the appropriate limit' covered by Section 12 (1) of the Freedom of Information Act 2000 and as such this work could

not be undertaken.

As a gesture of goodwill, outside of the Freedom of information Act, we have supplied the answers to questions 1, 2 and 4 which were available before it was realised that the fees limit would be exceeded. I hope that this is of help to you and note that it does not affect our legal right to rely on the fees regulations for the remainder of your request.

The Cleveland Police response to your request is unique and it should be noted that Police Forces do not use generic systems or identical procedures to capture and record data therefore responses from Cleveland Police should not be used as a comparison with any other force response you receive.

If you are not satisfied with this response or any actions taken in dealing with your request you have the right to request an independent internal review of your case under our review procedure. The APP College of Policing guidance states that a request for internal review should be made within 40 working days of the date on this response unless extenuating circumstances to account for the delay can be evidenced.

If I can be of any further assistance please do not hesitate to contact this office on 01642 306825 or 01642 306832.

Yours sincerely,

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