



Heddlu Police

DYFED-POWYS

FOI Reference: 178/2018

Request:

1. What practical procedure/s does your force have in place to ensure the review and or deletion of custody images after 6 years?
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)?
3. How many images on your custody image database are of unconvicted persons?
4. Since February 2017, how much has your force spent on the deletion of custody images of unconvicted people?

Response:

Section 1 of the Freedom of Information Act 2000 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.

Dyfed Powys Police are unable to confirm or not whether we hold information relevant to your request, since we consider that the Section 12(2) exemption the Cost of Compliance exceeds the Appropriate Limit applies to it.

Where exemptions are relied upon Section 17 of the Freedom of Information Act 2000 requires Dyfed Powys Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

Section 12(2) – The cost of compliance exceeds the Appropriate Limit

Section 12(2) states: "...Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit."

The cost of determining what information is held, if any, relevant to **question 3** of the request is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. It is estimated that it would exceed 18 hours (i.e. minimum of **14,310.5 hours**) to comply with this part of your request. The regulations can be located @

www.legislation.hmsso.gov.uk/si/si2004/20043244.htm

The Freedom of Information Unit has been advised by the relevant department that in order to establish what information is held, if any, in relation to question 3 of the request would exceed the appropriate time limit. This is due to the fact that a Police National Computer (PNC) check would be required, for every individual recorded on the custody system whereby a custody image is recorded, in order to establish the number of individuals, if any, that are 'unconvicted'. It has been established that there are a total of

This is a response under the Freedom of Information Act and disclosed on the 3rd April 2018

171,726 records containing a custody image that would require individual interrogation and it has been estimated that it would take a minimum of 5 minutes to research each individual record. The relevant time estimate is detailed below:

171,726 records x 5 minutes per record = 14,310.5 hours

Therefore total time estimate to complete whole request = 14,310.5 hours

Questions 1, 2 & 4

The relevant department has advised that a response can be provided within the appropriate time/cost limit i.e. 18 hours.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice for the WHOLE of this request under Section 17(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or section 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact. You may wish to refine and resubmit your request so that it reduces the time shown above to fall within the 18 hours. Should you require any further advice in relation to this matter please don't hesitate to contact me.

Please also be advised that should the request be refined, it does not remove the Force's right to cite exemptions if relevant.