

Dear [REDACTED]

## **Freedom of Information Request Reference No: 2018030000274**

I write in connection with your request for information which was received by the Metropolitan Police Service (MPS) on 05/03/2018. 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?***
- **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?***

### **SEARCHES TO LOCATE INFORMATION**

To locate the information relevant to your request searches were conducted at the MPS.

### **DECISION**

This letter is to inform you that it will not be possible to respond to your request within the cost threshold. This response serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000 (the Act). Please see the legal annex for further information on the exemptions applied in respect of your request.

### **REASONS FOR DECISION**

Unfortunately we are unable to comply with your request within the 18 hours allowed.

Millions of Custody Imaging Records are held on our systems and unfortunately there isn't a filter to ascertain the number of images are that of unconvicted people.

In order to answer question 3 of your request, it would involve going through a great deal of data from IT systems and court information and then applying that to Custody Images System (CIS) records, which would exceed the cost limit.

Question 4 of your request is too broad and it would be difficult to quantify what you are asking for, thus again it would fall into the category of above the cost / time effort for a FOIA request.

We therefore estimate that the cost of complying with this request would exceed the appropriate limit. The appropriate limit has been specified in regulations and for agencies outside central Government; this is set at £450.00. This represents the

estimated cost of one person spending 18 hours [at a rate of £25 per hour] in determining whether the MPS holds the information, and locating, retrieving and extracting the information.

I am unable in this case to advise you how to narrow your request any further to come within the appropriate threshold, this is because even if you narrowed the time frame this would still require a member of police staff reading through thousands of records and would still exceed the appropriate 18 hour threshold in order to locate and extract information pertinent to your request.

### Section 16 Duty to Assist

Please note that in relation to question 1, there is currently no procedure to review custody images after 6 years. In certain situations, an application can be made to the for the early deletion of biometric information in accordance with legislation. Records can be deleted via the Record Deletion Process.

The MPS follows guidelines from ACRO Criminal Records Office to deal with any requests.

Details on the Early deletion process and how to apply can be found within the below link:

- <https://www.app.college.police.uk/app-content/information-management/management-of-police-information/retention-review-and-disposal-of-police-information/#request-for-deletion>

Should you have any further enquiries concerning this matter, please contact me via email at [Andrea.Duncan@met.police.uk](mailto:Andrea.Duncan@met.police.uk), quoting the reference number above.

Yours sincerely

  
**Information Manager**

### **LEGAL ANNEX**

#### **Section 17(5) of the Act provides:**

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

#### **Section 12(1)&(2) of the Act provides:**

(1) Section 1 does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request

would exceed the appropriate limit.

(2) 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.

**Section 16 of the Act provides:**

(1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

(2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.

**COMPLAINT RIGHTS**

**Are you unhappy with how your request has been handled or do you think the decision is incorrect?**

You have the right to require the Metropolitan Police Service (MPS) to review their decision.

Prior to lodging a formal complaint you are welcome to discuss the response with the case officer who dealt with your request.

**Complaint**

If you are dissatisfied with the handling procedures or the decision of the MPS made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the MPS to have the decision reviewed.

Complaints should be made in writing, within forty (40) working days from the date of the refusal notice, and addressed to:

FOI Complaint  
Information Rights Unit  
PO Box 57192  
London  
SW6 1SF  
foi@met.police.uk

In all possible circumstances the MPS will aim to respond to your complaint within 20 working days.

**The Information Commissioner**

After lodging a complaint with the MPS if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk). Alternatively, write to or phone:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Phone: 0303 123 1113

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