



Our Ref: 1284.2017-18

Your Ref:

Date: 5 April 2018

Jennifer Krueckeberg
research@bigbrotherwatch.org.uk

Civil Disclosure
Joint Corporate Legal Services

Dear Jennifer,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 1284.2017-18

I write in connection with your request for information which was received by North Yorkshire Police on 5 March 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?*

Extent of Searches to Locate Information

Following receipt of your request searches were conducted within North Yorkshire Police to locate relevant information.

Decision

I am not obliged to provide you with a response to your request pursuant to Section 12(1) of the Freedom of Information Act 2000 (the Act). Please note that when one part of your request falls under Section 12, we are not obliged to review the rest of the questions and the whole request is therefore exempt.

Section 12(1) applies to your request as the cost of complying with your request is above the amount to which we are legally required to respond *i.e.* the cost of identifying and retrieving any relevant information exceeds the 'appropriate level' as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

Due to the nature of our recording systems the information requested, is not in an easily retrievable format. In order to ascertain the number of custody images on North Yorkshire Police's local recording database that are of people who have not been convicted of a crime, it would be necessary to manually read through occurrence records of all people on the system who have received No Further Action following an arrest, and confirm that they had not been convicted of a crime at any point within the previous 6 years. This would mean reading through thousands of records and would therefore exceed the cost threshold allowed under the Act.

Jane Wintermeyer BSc (Hons) Force Solicitor & Head of Legal Services
Police Headquarters | Alverton Court | Crosby Road | Northallerton | North Yorkshire | DL6 1BF
DX No 68810 NORTHALLERTON 2 | Telephone 01609 643542 | Fax 01609 789987

Non-emergency
Number



Pursuant to Section 17(5) of the Freedom of Information Act this letter acts as a Refusal Notice.

Pursuant to Section 16 of the Act I am required to offer you advice and assistance with regarding to refining your request to within the 'appropriate limit' (time/cost limit). You may wish to remove question 3 from your request. Furthermore, North Yorkshire Police would not hold information on the specific cost of deleting such photos, as this level of detail would not be recorded.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Complaint Rights

Your attention is drawn to the attached sheet which details your right of complaint.

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Liz Fryar
Legal Officer (Civil Disclosure)
Joint Corporate Legal Services
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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 North Yorkshire Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

In all possible circumstances the North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with North Yorkshire Police 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 <https://ico.org.uk> Alternatively, phone: 0303 123 1113 or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF