

Dear [REDACTED]

**FOI REQUEST REFERENCE NUMBERS: WARWICKSHIRE 2018-00205 & WEST
MERCIA 9419/18**

I write in connection with your request for information dated 5 March 2018, received by Warwickshire Police and West Mercia Police on the same date, in which 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?*

Following receipt of your request I must advise that not all of the information requested is available in a readily retrievable format. At the point of arrest a custody image is automatically stored on the system as 'unconvicted'; therefore, in order to attempt to determine the number that are actually images of 'unconvicted' individuals it would be necessary to examine each and every custody record, obtain the details of the individual concerned, and cross reference that information against further systems. Such searches would involve a disproportionate amount of effort, which would take us over the Fees Limit (£450) for each force, which equates to 18 hours work at a standard rate of £25 per hour, as stated in the Freedom of Information (Fees and appropriate Limit) Regulations 2004.

In accordance with Section 12(1) of the Freedom of Information Act 2000, please treat this letter as the Refusal Notice I am required to provide to you.

In accordance with Section 16 of the Act I have a duty to provide advice and assistance; however, I must advise that I am unable to suggest a way to pare down your request into one that can be handled within the fees limit.

Although excess cost removes Warwickshire Police and West Mercia Police's obligation under the Freedom of Information Act, as a gesture of goodwill, I have provided a response to the remaining questions. This should not be taken as a precedent that additional information would be supplied outside of the time/fees legislation for any subsequent requests.

Warwickshire & West Mercia Q1 response: The information requested is exempt from disclosure by virtue of Section 21 'Information Reasonably Accessible by Other Means'. Warwickshire Police and West Mercia Police manage custody images under the Management of Police Information. Furthermore, the College of Policing Authorised Professional Practice for Information Management contains a section on Retention, Review and Disposal which includes guidance on the deletion of custody images, see 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>

Warwickshire & West Mercia Q2 response: Warwickshire Police and West Mercia Police have not deleted any custody images as a result of a periodic review.

Warwickshire and West Mercia Q4 response: No information held

Appeal Rights

Your attention is drawn to the information below, which details your right of appeal.

Should you have any further enquiries concerning this matter, please do not hesitate to contact this office.

Yours sincerely



WARWICKSHIRE POLICE FREEDOM OF INFORMATION APPEALS PROCEDURE

This appeals procedure is issued in accordance with paragraph 36 of the Lord Chancellor's Freedom of Information Access Code of Practice.

Appeal Notification

When a Freedom of Information (FOI) applicant, who has made a request for information, is dissatisfied with the response received from Warwickshire Police, the FOI applicant should inform Warwickshire Police in writing within 20 working days (this may be by email) of the reasons why the response is deemed unsatisfactory.

Should a person feel that Warwickshire Police is not complying with its Publication Scheme, the person should inform Warwickshire Police in writing (this may be by email) of the reasons for their dissatisfaction.

Action by Warwickshire Police

When a dissatisfaction report is received, the circumstances of the dispute will be reviewed initially by the Decision Makers in the Freedom of Information Office.

If the Decision Makers are unable to resolve the dispute with the FOI applicant, the dispute will be referred to a Board comprising a Head of Department and a Chief Officer. The Board will not have been involved in the original decision making process to compile the response.

The Board will consider the dispute and will advise the FOI applicant of their decision as soon as practicable, but within 20 working days.

Further Action by FOI Applicant

If the FOI applicant remains dissatisfied with the Warwickshire Police response, they then have the option to refer the case to the Information Commissioner.

Freedom of Information Office

October 2015

Putting Victims First

Warwickshire Police and West Mercia Police are committed to providing the best possible service to our communities and putting victims at the heart of everything we do.

For information on services and support given to our victims by us and our criminal justice partners visit our websites:

Warwickshire Police: www.warwickshire.police.uk/puttingvictimsfirst

West Mercia Police: www.westmercia.police.uk/puttingvictimsfirst