



WEST YORKSHIRE POLICE

Information Management

Freedom Of Information

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Website: www.westyorkshire.police.uk

Our ref: 1070/18

Date: 21/03/2018

Ms Krueckeberg,

Thank you for your request for information received by West Yorkshire Police on 06.03.18.

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

Unfortunately, West Yorkshire Police are unable to provide you with the information requested.

When an individual is arrested and conveyed to custody a photograph is usually taken. In 2017 year alone there were 48,669 arrests which would mean the same number of images taken, in order to establish how many of these related to un-convicted individuals would involve a manual trawl to establish whether any of these arrests resulted in conviction. At an estimate of three minutes per record this would take approximately 2,500 hours just for the year 2017. Even to narrow this down to those resulting in a charge/summons would still be a significant undertaking take in excess of 18 hours.

It is estimated that the cost of providing / locating the information you seek within your request, would exceed the time threshold. When a reasonable estimate has been made that the appropriate limit would be exceeded, there are no requirements for a public authority to undertake the work.

Please see Appendix A, for the full legislative explanation as to why West Yorkshire Police are unable to provide the information.

If you would like to refine or narrow the scope of your request, West Yorkshire Police will assist you in negotiating the possibility of the provisions, of the information requested. Please see the Advice and Assistance, under Section 16 of Appendix A.

COMPLAINT RIGHTS

If you are not satisfied with how this request has been handled or with the information provided. Please read the advice notice attached to this letter. If you do wish to take up your right of Complaint, please remember to quote the reference number above in any future correspondence.

Yours sincerely

Rebecca Fawcett
Disclosure Officer

Appendix A

The Freedom of Information Act 2000 creates a statutory right of access to information held by public Authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information. If held then this information will be communicated to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions. Which are designed to enable public authorities to withhold information that is unsuitable for release.

Importantly the Act is designed to place information into the public domain, that is, once access to information is granted to one person under the Act, it is then considered public information and must be communicated to any individual should a request be received.

DECISION

This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), given to the applicant a notice which:-

- (a) States the fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.

REASONS FOR DECISION

The reason that we are unable to provide you with this information is covered by the following Exemptions:

Section 12 - Where the cost of compliance exceeds the appropriate limit

West Yorkshire Police can confirm that we hold the information you seek, however it is not held in an easily retrievable format.

When an individual is arrested and conveyed to custody a photograph is usually taken. In 2017 year alone there were 48,669 arrests which would mean the same number of images taken, in order to establish how many of these related to un-convicted individuals would involve a manual trawl to establish whether any of these arrests resulted in conviction. At an estimate of three minutes per record this would take approximately 2,500 hours just for the year 2017. Even to narrow this down to those resulting in a charge/summons would still be a significant undertaking take in excess of 18 hours.

It has been estimated that the cost of providing you with this information 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, which currently stands at £450 worth of work.

Our ACPO guidance states that we do not issue fees notices and therefore in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

West Yorkshire Police have utilised Section 12, which states "A public authority does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit", this is further affirmed by the Decision Notice issued by the Information Commissioner's Office (Reference: FS50143930), and Guidance issued by the Information Commissioner's Office on Using the Fees Regulations.

ADVICE AND ASSISTANCE

Under Section 16 of the Freedom of Information Act 2000, my duty to provide advice and assistance to persons who have made request for information, please note West Yorkshire Police can provide you with the following information:

Custody images review and deletion form part of scheduled MOPI reviews.

MOPI APP can be accessed via this link

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/>

Home Office guidance on the deletion of custody records can be accessed via this link

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/594463/2017-02-23_Custody_Image_Review.pdf

As no record is kept of the composition of deleted records, we do not hold information that would allow us to determine how many custody images have been deleted.

Please note that police forces do not use generic systems or identical procedures for capturing the data. For these reasons this response to your questions should not be used for comparison purposes with responses you may receive from other police forces.

COMPLAINT RIGHTS

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

You have the right to request that West Yorkshire Police 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.

2. 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.

3. Complaint

If you are dissatisfied with the handling procedures or the decision of West Yorkshire Police made under the Freedom of Information Act 2000 regarding access to information, you can lodge a written complaint to have the decision internally reviewed.

A West Yorkshire Police internal review of your decision will be carried out by a senior member of staff, who is fully trained in interpreting Freedom of Information legislation, yet is independent with regards to the original decision made, i.e. has never previously been involved with your request.

Complaints will only be treated as valid if they are received by West Yorkshire Police within a 60 day timeframe from the date of the decision letter. They must include the original FOI Reference Number and can only be submitted in writing by using the following contact details:

foi@westyorkshire.pnn.police.uk

or

West Yorkshire Police
FOI Internal Reviews
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

In all possible circumstances West Yorkshire Police will aim to complete and respond to your internal review within 20 working days; however this date may be extendable in exceptional circumstances by another 20 working days.

4. The Information Commissioner

If you are still dissatisfied with the internal review decision made by West Yorkshire Police, you may then make an 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.gov.uk

Alternatively, you can phone their helpline or write to them at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
FOI Help Line: 0303 1231113