



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-00292

Keyword: Organisational Information/Governance

Subject: RETENTION OF DNA & FINGERPRINTS

Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

On the 4th of December 2008 the European Court of Human Rights has delivered at a public hearing its Grand Chamber judgement in the case of S. and Marper v. the United Kingdom (application no's 30562/04 and 30566/04).

The Court held unanimously that:

There had been a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights;" with regards to the UK government holding DNA and fingerprints on innocent people.

As the UK government has lost its case and was found to be unlawfully holding DNA and fingerprint details of innocent people wish to know the following:

As of the 4th of December 2008:

Question 1

How many DNA and fingerprint samples of innocent people have deleted?

Answer 1

Along with all other forces in England and Wales, PSNI will await direction from Government and legislative change before taking action to permanently delete any samples of DNA or fingerprints. Until such time PSNI will continue to operate within domestic legislation.

Question 2

How many innocent people requested their DNA and fingerprint samples be deleted?

Answer 2

There have been four requests to date.

Question 3

If no DNA and fingerprint samples have been deleted I wish to know the reasons WHY as the UK Government have been found to be in breach of innocent peoples human rights and this would be considered a crime in itself.

Answer 3

The European Court of Human Rights held that the blanket retention of all DNA and fingerprints by police is in violation Article 8 of the European Convention on Human Rights (ECHR) (right to respect for private and family life). The implementation of this judgment is a matter for the United Kingdom Government. It is anticipated that amendments will be

made to the relevant legislation in due course. However, it is not possible at this stage to be certain what those amendments will be. In the meantime, the PSNI is obliged to act in accordance with the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989. These provisions do not require us to destroy any DNA or fingerprint samples currently held.

Question 4

As there is no right of appeal from a final decision made by the Grand Chamber when will your police force be routinely be deleting records of innocent people?

Answer 4

PSNI can assure you that, as a human rights compliant police service, we will continue to comply fully with the provisions of the Human Rights Act 1998 and other relevant legislation. Accordingly, when any changes are made to the relevant legislation, the PSNI shall comply with them in full

If you have any queries regarding your request or the decision please do not hesitate to contact 02890700164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing FOI@psni.pnn.police.uk

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.