



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F 2011 00542

Keyword: Crime

Subject: DNA/Fingerprints/Other forms of biometric data profiling

Request and Answer:

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

I would like to ask some questions relating to DNA/Fingerprints/Other forms of biometric data profiling.

1. How many misclassifications have resulted from DNA profiling by your Local Police Force?
2. How many people who are innocent(those who are not charged) have had their DNA/Fingerprints/Other forms of Biometric data taken by the Local police to be added to the National Police Computer, National DNA Database, and for how long will this be retained?
3. How many times has the Chief of the Local Police force asked for an extension on the amount of time a DNA sample/fingerprint can be held for ii) How many times has a magistrate's court agreed to the request?

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

In relation to question 2, it is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450. To locate and retrieve this requested information would require a specific script/programme to be written. Once written, the script/programme would have to search tens of thousands of custody records on the PSNI database and then separately validate the information. If this cost applies to one or more questions, then it applies to the entire request. In addition this exercise would involve creating information which we are not obliged to do under the Act.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

Section 16 Advice and assistance

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit.

Although PSNI would hold information regarding the DNA, this information is not readily available as it is embedded within various records and would require research and IT assistance to extract. Therefore, due to the nature and structure of the information requested this would make it extremely difficult for the PSNI to advise you how to refine your request to a point below the £450 cost limit.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

Although excess cost removes the service's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved before it was realised that the fees limit would be exceeded. I trust this will be helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

In relation to question 1

There are no records retained of the number of occasions that this may have happened.

In relation to question 3

The current legislation in Northern Ireland permits the indefinite retention of DNA samples and Fingerprints of anyone arrested. Therefore the answer to both parts of the question would be 'None'.

If you have any queries regarding your request or this decision please do not hesitate to contact 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

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 @ www.psnipolice.uk

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