

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00929

Keyword: Operational Policing

Subject: PNC 'Markers' on Individuals

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act we can confirm that the Police Service of Northern Ireland (PSNI) does hold information to which your request relates and this is being provided to you. We consider the information you seek in Requests 1, 2 and 4 is exempt by virtue of section 21 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request

From information disclosed in previously published FOI requests, there are various types of 'markers' on PNC relating to individuals, for example 'wanted', 'locate and trace', 'missing' etc.

Request 1

Please disclose a complete list of these 'markers' used by your force, together with descriptions of each type.

Answer

PSNI can advise that the following Markers are used:

- Unconfirmed deceased
- Confirmed deceased
- Sexual offender registration Marker
- SOPO-Sexual offender prevention order
- VOPO – Violent offender prevention order
- Wanted/ missing person markers
- Locate and trace

In terms of descriptions, we can advise that your request for information has now been considered and we are not obliged to supply the information you have requested under Section 21 of the Freedom of Information Act 2000 (FOIA).

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide the applicant with 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.

The following exemption has been applied:

Section 21 - Information Reasonably Accessible by Other Means

PSNI can advise that the information requested above can be readily obtained and therefore section 21 of the FOIA can be applied. The purpose of the Section 21 exemption is to ensure that there is no right of access to information via FOIA if it is available to the requester by another route.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioner's Office website www.ico.org.uk

Please see the link below to the published Police National Computer (PNC) manual. The information to which you seek access is located on page 364, 'Types of Information Markers'.

https://www.whatdotheyknow.com/request/704857/response/1688218/attach/4/61120%20Annex%20A%20PNC%20Manual%20v20.01%20Redacted%20v4.pdf?cookie_passthrough=1

Request 2

Please disclose all guidelines on the use of each of these markers. This may include internal policies, standard operating procedures, practice directions, etc.

Request 4

Please disclose all documents relating to the review and cancellation of markers, including review schedules, criteria to be considered when removing or cancelling a marker, etc. If this would depend on other factors such as seriousness of the offence or time passed, please also disclose this information.

Answer 2 and 4

PSNI can advise that the process by which we add and remove markers is the same across the board, the difference is in the labels of the flags and how long they are in place for. The period that the markers remain is assessed on a case to case basis. For example: missing people will be flagged until such times they are located, persons subjected to SOPO or VOPO will be flagged until such times that order ceases to apply and wanted persons are flagged as such until such times they are located by Police.

There are periodical reviews carried out by PNC/Niche, whereby the investigating officer (IO) confirms that the person should remain flagged if relevant. This is an opportunity for the IO to review the relevant occurrence and ascertain whether the marker is still required. Exact time frames for reviews will need to be obtained from PNC directly.

The markers may be removed before the above eventualities have occurred if there is sufficient evidence to suggest: a) the person is not missing b) they have not committed the offence they have been circulated for, or c) matters arising in court, e.g. appeals, have indicated that the person should not be subjected to any orders/markers.

In relation to managing sex and violent offenders, we have no policy. It is something that Visor Management Unit do when a new nominal comes to PSNI after conviction or upon a referral as an ongoing practice, we use:

- Registered sex offender whilst being managed under Public Protection Arrangements Northern Ireland ;or Sex offender to indicate their Modus Operandi (MO) type when their

notification period is complete to indicate their MO or crime type

- Violent Offender is subject to VISOR for both RSO and Violent Offender.

PSNI inform PNC of a new offender to be flagged on their systems and we also inform them of their date to archive, in addition to death to cancel flags.

The Wanted Persons Service Instruction fully highlights PSNI processes in this regard and is in the public domain. As such, Section 21 has been applied in response to Request 2 and 4.

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- (a) states the fact,
- (b) specifies the exemption in question and
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Please see the link below to the published service instruction:

<https://www.psni.police.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/wanted-persons-120418.pdf>

Request 3

For example, when would police officers use a 'locate and trace' marker as opposed to a 'wanted' marker?

Answer

Please see the table below in response to Request 3.

Flag	Use
Locate and Trace	Used for non-arrest circumstances e.g contact details are sought for an individual.
Wanted	Used when wanted for arrest.

Request 5

How is information on PNC markers shared with foreign authorities or police, eg. via PNC itself or via other systems such as Europol and Interpol?

Answer

The removal of Schengen Information System (SIS II) access from PNC means that anyone alerted on that system would also need manually alerted on Interpol systems if the case required it.

A published report entitled '[Beyond Brexit](#)' has illustrated how PNC markers are shared with foreign authorities or police:

“One of the most significant consequences of the UK’s new third country status is the loss of access to the Schengen Information System (SIS II). The importance of this system, and the real-time access it provides to data about persons and objects of interest, including wanted and missing persons, has been emphasised repeatedly in evidence to this Committee, and its predecessors. As a substitute, UK authorities have turned to the Interpol I-24/7 database. But the effectiveness of this as an alternative rests upon the willingness of EU States to upload the same information onto the Interpol system that they circulate on SIS II, and the Government did not provide clear evidence on how it would persuade EU Member States to do so. It also depends upon the completion of technical improvements to UK systems so that I-24/7 data is available to its frontline law enforcement in minutes, not hours. The Government should report on a regular basis to Committees of both Houses on the progress on both these matters.”

Request 6

Are there any sets of circumstances that would always result in foreign authorities being notified, e.g. if a foreigner has gone missing or is wanted, would an international alert always be issued regardless of the case’s specific circumstances or whether the individual is indeed abroad?

Answer

No.

PSNI can advise that a foreign authority being notified is not always the case. If a person was believed to have left the UK and the seriousness of the offence or missing status (vulnerability) dictated that an alert was required, then one would be set on Interpol systems. This would include everyone wanted/missing regardless of their nationality or residency status.

Request 7

For the responses to Q5 and Q6, please also elaborate if Brexit has had an impact on this (e.g. would it be that before Brexit, when a European national was missing or wanted in the UK, all EU countries would be alerted, but currently this is no longer the case)

Answer

Prior to European Union (EU) exit, a wanted/missing alert on PNC would have automatically been shared with all agencies part of Schengen Information. UK access was removed on EU Exit and this now means an assessment is made on whether the missing/wanted person is likely to be in another country and a manual entry is made on the Interpol system by police if deemed necessary.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Corporate Information Branch, 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 Corporate Information Branch, 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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner’s Office, under Section 50 of the Freedom of Information Act, 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’, or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

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 their discretion.

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

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