

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-03016

Keyword: Organisational Information/Governance

Subject: Retention of Investigation Material

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 does hold some information to which your request relates and this is being provided to you. We further consider the information you seek in request number 1 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 1

Is there a designated length of time for which the Police Service Northern Ireland and laboratories you instruct, both internal and external, retain physical material gathered during police investigations in respect of convicted crimes?

(The phrase "physical material" above refers to all objects and items which are exhibited as part of both the "used material" at trial AND the "unused material", not subsequently used at trial.)

Answer

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 you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 21 – Information Reasonably accessible by Other Means.

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 Commissioners Office website www.ico.org.uk.

The information requested for part 1 regarding the PSNI Review, Retention and Disposal schedule can be found on the PSNI website as service instruction SI2417. Please find the link to the

requested information below:

<https://www.psni.police.uk/globalassets/advice--information/information-about-yourself/adult-privacy-notice/review-retention-and-disposal-schedule-may-2020.pdf>

Please see below for assistance:

- Exhibits are listed on page 36 - 7.1.68 to 7.1.71
- Unused Material listed page 39 - 7.11.91
- Biometrics listed schedule 7.2 begin on page 41

Request 2

If there is a divergence of policy according to crime type, please provide clarification.

Answer

There is no divergence in policy in regards to crime type, however, there is much more likelihood Officers will request detention of this property with potentially much more, future legal requirements. For example, inquests, complaints, public enquiries and civil cases.

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.