 <b>West Mercia POLICE</b>		<b>PROCEDURE</b>
Security Classification	<b>OFFICIAL</b>	
Disclosable under Freedom of Information Act 2000	<b>Yes</b>	

<b>PROCEDURE TITLE</b>	<b>Record Deletion</b>
REFERENCE NUMBER	<b>WMP055</b>
Version	<b>1.3</b>

<b>PROCEDURE OWNERSHIP</b>	
DIRECTORATE	CHIEF OFFICERS
BUSINESS AREA	AUDIT RISK & COMPLIANCE

INITIAL IMPLEMENTATION DATE	<b>April 2020</b>
NEXT REVIEW DATE:	<b>February 2025</b>
RISK RATING	<b>LOW</b>
EQUALITY ANALYSIS	<b>LOW</b>

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail [policiesandprocedures@westmercia.police.uk](mailto:policiesandprocedures@westmercia.police.uk)

## Handling Instructions

OFFICIAL: This procedure must be handled and stored according to the Government Security Classifications guidance. Neither the document nor any of its contents may be disseminated further without the permission of the information Asset Owner.

## 1.0 PROCEDURE OUTLINE

This procedure is informed by statutory guidance, issued by [National Police Chiefs' Council \(NPCC\)](#) entitled [Deletion of Records from National Police Systems](#), [The Data Protection Act and GDPR \(2018\)](#), [The Protection of Freedoms Act \(2012\)](#), European Convention on Human Rights, [Equality Act 2010](#) and also MoPI [Authorised Professional Practice \(APP\) – Information Management](#).

## 2.0 PURPOSE OF PROCEDURE

- 2.1 An individual's personal data may be held by ACRO, on behalf of West Mercia Police on the Police National Computer (PNC) i.e. convictions, cautions/warnings, reprimands and Penalty Notice for Disorder (PND).
- 2.2 An individual's personal data may also be held by West Mercia Police on local police systems e.g. crime reports.
- 2.3 Individuals have the right to apply directly to ACRO and/or the Chief Officer of their local force to have their police record(s) deleted or amended.
- 2.4 This procedure will determine the continuing policing purpose (or not) for retaining the record(s) of an individual held by West Mercia Police on police systems.
- 2.5 Requests for removal of custody image(s) **only** are dealt with separately under West Mercia Police's Custody Image Deletion Procedure.
- 2.6 If PSD confirms there is a live PSD investigation, the application will be rejected until there has been an outcome. The RRD staff will email the applicant and advise them of this, explaining that they can re-apply once the PSD Investigation has reached its conclusion.

## 3.0 ROLES AND RESPONSIBILITIES

- 3.1 Review, Retention and Disposal (RRD) staff within the Information Management Department will manage all requests for deletion or amendment of records received by West Mercia Police.
- 3.2 The decision to delete, retain or amend will be the responsibility of the Records Deletion Panel which consists of the Records and Data Manager, the Information Compliance Manager and Supervisor, Disclosure Unit Supervisors and RRD Researcher.
- 3.3 All West Mercia staff who receive email requests for the deletion or amendment of police records must forward the request to the RRD email box ([rrd@westmercia.police.uk](mailto:rrd@westmercia.police.uk)). All West Mercia staff who receive a postal request for the deletion or amendment of police records must forward the postal request to the RRD Team, at Hindlip Hall, via the internal post system.

#### 4.0 PROCEDURE - ACRO Requests. ([See Appendix 1](#))

- 4.1 ACRO requests must be accompanied by a completed NPCC request form. ACRO verify the applicant's details so it may be taken as read that requests received via ACRO are valid. However NPCC request forms sent to West Mercia Police from ACRO must be accompanied by copies of proof of identity for the applicant that show the applicant's name, date of birth and current address. Applications received from a third person (on behalf of an applicant) must be accompanied by evidence allowing that third party to act on behalf of the applicant. For example, a letter of authorisation signed by the applicant or evidence of a legal basis that demonstrates the third party's authority to act on behalf of the applicant, for example, an Appointeeship or Power of Attorney. Once a decision is made the documents containing proof of identity will be deleted.
- 4.3 Where ACRO has failed to provide the necessary criteria ACRO must be contacted to obtain the further criteria that would make the request a valid one. If no further criteria are received within 1 calendar month, following the initial request, the request should be closed and the Log updated to reflect this.
- 4.4 Upholding the request: Where the Panel's decision is to uphold the applicant's request then the RRD staff member must contact the ACRO detailing the Panel's decision.
- 4.5 Where the Panel's decision is to uphold the applicant's request and delete or amended the record(s) from PNC, RRD staff must arrange for the deletion of the locally held equivalent record(s), if held, from the appropriate police systems.
- 4.6 Refusing the request: Where the Panel's decision is to refuse the applicant's request then the RRD staff member must contact the ACRO detailing the Panel's decision.
- 4.7 Deadlines: ACRO have stipulated a 28 day deadline for a response to a valid request. RRD staff should endeavour to comply with this deadline. In circumstances where the deadline is unable to be adhered to ACRO must be informed and kept fully updated as to the expected date of response.

#### 5.0 PROCEDURE – NON-ACRO Requests. ([See Appendix 2](#))

- 5.1 Non-ACRO requests are dealt with under the [Protection of Freedoms Act \(2012\)](#) and MoPI [Authorised Professional Practice \(APP\) – Information Management](#). Under this Procedure RRD staff will only consider those applications who wish for their record(s) be removed or amended from local police systems **only**. If the applicant wishes for their Police National Computer (PNC) record(s) and/or biometric information to be removed or amended they should be directed to make their application to ACRO who will then process their request on their behalf.
- 5.2 Non-ACRO requests must be accompanied by copies of two official documents that, between them, show the applicant's name, date of birth and current address. Applications received from a third person (on behalf of an applicant) must be accompanied by evidence allowing that third party to act on behalf of the applicant. For example, a letter of authorisation signed by the applicant or evidence of a legal

basis that demonstrates the third party's authority to act on behalf of the applicant, for example, an Appointeeship or Power of Attorney. Once a decision is made the documents containing proof of identity will be deleted.

- 5.3** Where the applicant has failed to provide the necessary criteria the applicant must be contacted to obtain the further criteria that would make their request a valid one. If no further criteria are received within 1 calendar month, following the initial request, the request should be closed and the Log updated to reflect this.
- 5.4** Upholding the request: Where the Panel's decision is to uphold the applicant's request then the RRD staff member must contact the applicant detailing the Panel's decision.
- 5.5** Where the Panel's decision is to uphold the applicant's request RRD staff must arrange for the deletion or amended of the locally held record(s) from the appropriate police systems.
- 5.6** Refusing the request: Where the Panel's decision is to refuse the applicant's request then the RRD staff member must contact the applicant detailing the Panel's decision.
- 5.7** Deadlines: Likewise with ACRO (who have stipulated a 28 day deadline for a response to a valid request) RRD staff should endeavour to comply with a 28 day turnaround for Non-ACRO requests. In circumstances where the deadline is unable to be adhered to the applicant must be informed and kept fully updated as to the expected date of response.
- 6.0 APPEALS ([See Appendix 3](#))**
- 6.1** Appeals must be submitted within 3 months of the applicant receiving the original decision.
- 6.2** Any appeals received outside of the 3 months' timeframe will not be considered.
- 6.3** In the interests of transparency in the event of an appeal the Head of Disclosure within ARC will review the original decision.
- 6.4** Deadlines: in line with the accepted 28 day deadline for a response to a valid police record deletion or amended request RRD staff must endeavour to comply with a 28 day turnaround for an appeal against the Records Deletion Panel's decision. In circumstances where the deadline is unable to be adhered to the applicant must be informed and kept fully updated as to the expected date of response.
- 6.5** Upholding the appeal: Where the decision is to uphold the applicant's appeal then the RRD staff member must contact the applicant detailing the decision.
- 6.6** Where the decision is to uphold the applicant's request RRD staff must arrange for the deletion or amended of the record(s) from the appropriate police systems.
- 6.7** Refusing the appeal: Where the decision is to refuse the applicant's appeal then the RRD staff member must contact the applicant detailing the decision.

## 7.0 OTHER CONSIDERATIONS

- 7.1 If an individual does not make a formal request for the deletion or amended of their police record the individual's police record shall be managed in line with MoPI [Authorised Professional Practice \(APP\) – Information Management](#).
- 7.2 Only records that relate to the offence that removal or amended has been requested for will be taken into account. Previous or subsequent police records will not be considered.
- 7.3 West Mercia Police will continue to act in accordance with the guidance and legislation detailed in 1.1 above. If police records are required for other purposes, such as under the Inquiries Act 2005, these records will be flagged and archived and only accessed for that specific purpose.

## 8.0 CONSULTATION

<b><i>Business Lead Consulted</i></b>	<b><i>Date Consulted</i></b>
Elaine Peberdy – Head of Audit, Risk & Compliance	March 2022

Critical Friends group and Local Stakeholders

## 9.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the chart below:

<b>Date</b>	<b>Author / Reviewer</b>	<b>Amendment(s) &amp; Rationale</b>	<b>Date approval / adoption</b>
		Review - Addition of Appeal Timeframe at 6.1 & 6.2. Revert to West Mercia procedure v1.0	JNCC 01/04/2020
Oct 2020	M. Gingell	Reviewed minor changes, Section 4.3 & 5.3 - 3 month timeframe for provision of further criteria reduced to 1 month v1.1	October 2020
Feb 2022	A Davidson	Grammar, spelling and linking errors. Added 2.6. Amended to include amendment requests. 6.3 amended to reflect who carries out Appeal requests. v1.2	February 2022

Mar 2022	A Davidson	Amendments to 4.1 and 5.2. Taken from <a href="#">College of Policing</a> v1.3	March 2022
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## 10.0 ASSESSMENT AND ANALYSIS

The Equality Analysis (EA), Health & Safety Assessment (HAS) and Risk Assessment (RA) associated with this document are available on request.

## 11.0 PUBLICATION

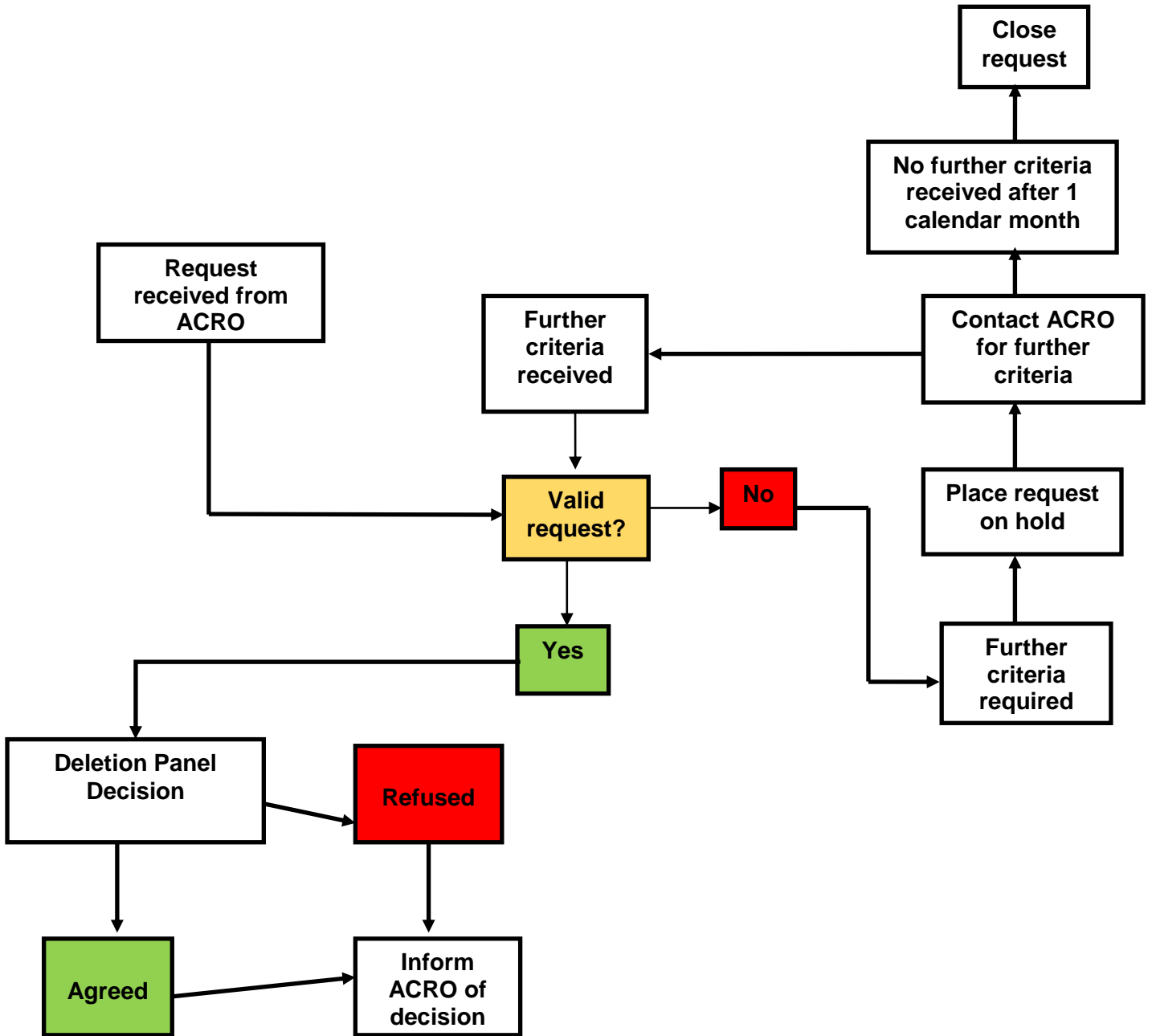
**Procedure to be published externally at request of policy writer.**

## 12.0 MONITORING / EVALUATION

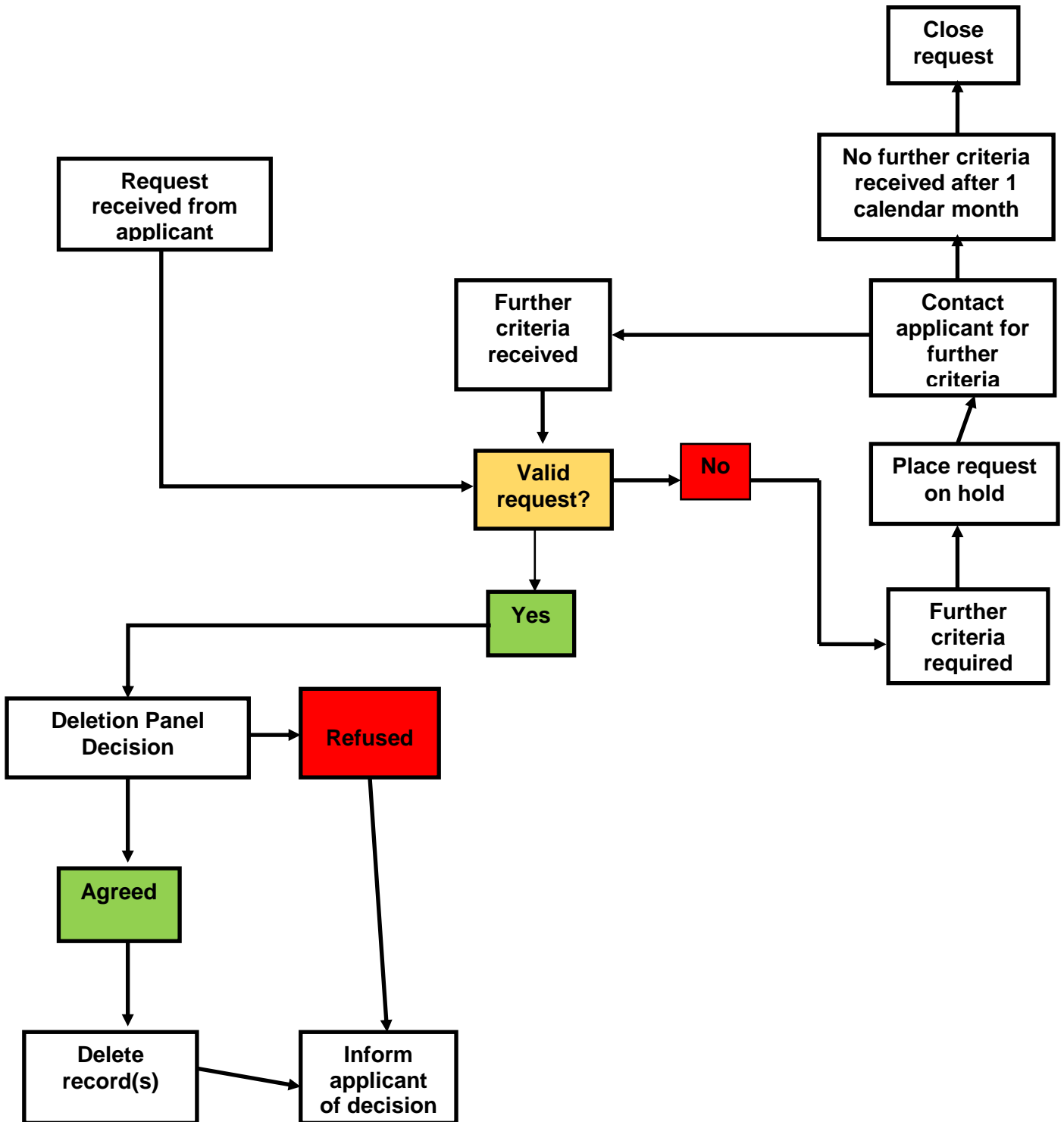
The monitoring and review of this procedure is the responsibility of the procedure owner.

### **APPENDICES BELOW**

Appendix 1



Appendix 2





Appendix 3

