



Guidance – Request for Record Deletion, Rectification, Restriction and Processing

Data Protection Act 2018

Guidance and information on request for information relating to record deletion, rectification, restriction and processing;

- 1) What this allows you to request/apply for
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1) What this allows you to request/apply for

This allows the applicant, under specific circumstances, to request for their information to be deleted, rectified or restricted. The applicant should submit the A91 form if they know what information they want deleted/amended. If the applicant does not know or wants to know what is held about them they should submit an Access of Rights request. After receipt the applicant should submit a formal request using the A91 (request for record deletion/amend form). Examples of locally held data are crime reports, custody records, investigation files, custody photographs and any other locally held records.

2) Exclusions and limitations (includes who can apply)

Exclusions

Requests under this application are for records held by Essex Police only. For Nationally held information such as Police National Computer (PNC) or biometrics deletion do not contact Essex Police.

Information held on the PNC Fingerprints and DNA are called 'biometric information'.

The applicant must first submit a Right of Access request to show what records/information is held about them. This will confirm and provide evidence you need before the formal request for changes to be made.

The applicant must then on receipt of the above information supply the reasons for deletion, rectification, restriction and processing on the deletion/amendment form.

Action will only be taken if the grounds meet the Information Commissioners Office (ICO) guidelines.

Limitations

Please refer to the association of the criminal records office (ACRO) website:
www.acro.police.uk/Early_Deletion_of_Biometric_Information.aspx

3) Information on where else to go for connected matters

To make an application for removal or further guidance regarding information held on the Police National Computer (PNC) or biometrics (fingerprints and DNA) deletion please refer to the ACRO website link https://www.acro.police.uk/Early_Deletion_of_Biometric_Information.aspx

To find out if you have grounds for an application to have biometric information removed from police records, the removal of arrest records or out of court disposals go to the ACRO criminal records office website, where they have a detailed breakdown of the circumstances under which they would consider a request.

All enquiries and/or applications of this type must go to the National Police Chief Council (NPCC), who will provide a progress report.

Please note: If you are convicted of an offence (including if your case is dealt with out of court, ending with a caution, warning or reprimand) the Protection of Freedoms Act 2012 amends to the Police and Criminal Evidence Act 1984 (PACE) allow police in England and Wales to keep your biometric information indefinitely.

The legislation also explains under which circumstances biometric information can and will be deleted from national police systems Police National Computer (PNC), National Fingerprint Database (IDENT1) and the National DNA Database (NDNAD).

To find out more about the retention and deletion of biometric information, visit the ACRO criminal records office website please refer to the link https://www.acro.police.uk/Early_Deletion_of_Biometric_Information.aspx

4) Guidance on how to complete. What you need to do next

1. Complete any mandatory sections as indicated on the A91 Request for record deletion/amendment form. The information you provide on this form will be used for processing your request and to ensure the accuracy of Police systems.
2. If you do not know or want to know what information Essex Police hold about you submit an A95 Access of Right form. On receipt then submit the A91 Request for record deletion/amendment form.
3. Include proof of identity to help establish your identity this application must be accompanied by copies of two official documents. In certain circumstances a passport photograph might be required.
4. Name, current & valid postal address, date of birth and signature, must be clearly shown, for example: birth certificate, driving licence, passport, medical card, bank statement, utility bill, rent agreement. If you have changed your name, please supply relevant documents evidencing the change.

DO NOT SEND ORIGINAL DOCUMENTS AS THESE WILL NOT BE RETURNED. It will assist with processing of your application if one of the documents is a photographic identity document such as your passport or driving licence.

Essex Police reserves the right to request original documentation in some cases. Where original documents are requested, they will be returned by registered post.

5. Send the completed form and proof(s) of identity to:
info.rights.delete.amend@essex.pnn.police.uk
 The Information Rights Team, Essex Police Headquarters
 PO Box 2, Chelmsford CM2 6DA

Applicants who are unable to comply for whatever reason can attend the local police station with their chosen ID documents. The front office staff can print off an A91, which can be filled in while at the police station. The front office staff will take copies of the applicants ID, at the same time verifying it, then email the application form and copy of documents to the Information Rights Team.

What Essex Police do next

On receipt of your receipt of the completed form and satisfactory proof of your identity, Essex Police will acknowledge your request and provide you with our unique reference number. Essex Police will search for the information you have requested and respond to you within one calendar month.

For further information about the rights of access and records amendment process is available on the website at www.essex.police.uk or by contacting the Information Rights Team at info.rights.delete.amend@essex.pnn.police.uk

Note: Essex Police will be unable to provide you with information contained on police systems over the telephone or by email prior to completion of your request.

Essex Police will notify the applicant of measures/action taken or otherwise in line with legislation and policy listed below.

Essex Police on receipt of formal request will process your amendment application and update the applicant.

Legislation

The Information Commissioner's Office (ICO) website and the College of Policing website (management of information) provide details of your rights more fully.

The attachments below are an explanation of your rights that Essex Police adhere to in relation to information held on you and its retention.



Essex Fair
Processing Notice (E)



Information Charter
Essex.docx

5) Your rights and legislation

Summary of Rights

Right to Deletion

You have the right to request the deletion or removal of your personal data where there is no compelling reason for its continued retention.

We will erase or put your personal data "beyond use" if:

- The processing of your personal data will infringe the data protection principles;
- We do not meet safeguards for archiving and processing of sensitive personal data; or
- We have a legal obligation to erase the data.

Requests for rectification can be accepted verbally or in writing, and we will respond to you within one month, or inform you within one month if this will take longer. The one month will start from the date that we receive your application, any necessary confirmation of identity, and sufficient information to allow us to process your request. If we believe your request to be manifestly unfounded or excessive then we may request a reasonable fee or refuse to deal with your request.

As a "competent authority" we must restrict your right to erasure in the following two circumstances:

- When your personal data is being used for evidential purposes
- If you contest the accuracy of the personal data we hold but we are unable to be certain about its accuracy

We may also limit the information we provide to you in order to:

- Avoid obstructing an official or legal inquiry, investigation or procedure;
- Avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- Protect public security;
- Protect national security; or
- Protect the rights and freedoms of others

If we decide not to take action in response to your request for erasure, we will explain why and inform you of your right to complain to the Information Commissioner. We will do this within one month of receiving your request.

Right to Request Rectification

You are entitled to have personal data rectified if it is inaccurate or incomplete.

We will rectify inaccurate personal data when it becomes apparent to us, or if you request it. If your personal data is identified as inaccurate or incomplete, we will seek to amend this by rectifying or completing the data. If we are unable to correct it, we may provide a supplementary statement to rectify your personal data, if we deem it appropriate. As a “competent authority” we are allowed to keep accurate records of allegations made, even if the allegations are unfounded.

Requests for rectification can be accepted verbally or in writing, and we will respond to you within one month, or inform you within one month if this will take longer. The one month will start from the date that we receive your application, any necessary confirmation of identity, and sufficient information to allow us to process your request. If we believe your request to be manifestly unfounded or excessive then we may request a reasonable fee or refuse to deal with your request.

As a “competent authority” we can limit your right to rectification to:

- Avoid obstructing an official or legal inquiry, investigation or procedure;
- Avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- Protect public security;
- Protect national security; or
- Protect the rights and freedoms of others.

If we do place a restriction then we will advise you unless we believe by doing so would undermine the purpose for the restriction.

If we decide not to take action in response to your request for rectification, we will explain why and inform you of your right to complain to the Information Commissioner. We will do this within one month of receiving your request.

If we have disclosed personal data deemed as inaccurate or incomplete to others, then we will contact the recipient(s) and inform them of the rectification, unless to do so proves impossible or involves disproportionate effort.

Additional Rights

Please refer to the Essex Police website for general details in regards to the Fair Processing Notice, Privacy Notice and Retention Policy. Additionally for further rights under GDPR such as right to be informed, right to rectification, right to erasure/to be forgotten, right to restrict processing, right to data portability, right to object and rights in relation to automated decision making and profiling.

Chief Constable's rights

The provisions of the Data Protection Act mean that in certain circumstances some personal data will not be provided. For example you will not be provided with personal data if releasing it to you would be likely to prejudice a criminal investigation. In some cases we may not provide you with information that identifies other individuals unless Essex Police feels it is reasonable to do so.

Your right to complain

If you feel your request has not been properly handled, or you are otherwise dissatisfied with the outcome of your request you have the right to complain.

Complaints should be submitted within 20 working days from the date of this response and should be addressed to the Senior Information Officer at the above address or by email

to: info.rights.delete.amend@essex.pnn.police.uk

Please include any reference you may have in the title of the email

We will conduct a review to investigate your complaint and endeavour to reply within 20 working days. Please explain which aspect of the response from Essex Police you are not satisfied with.

If you are still dissatisfied following our review, you have the right to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Essex Police

The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, and Cheshire, SK9 5AF or via <https://ico.org.uk/>

6) Charges and procedures for payment if applicable.

No charges are applicable with this application.

Please refer to the Essex Police website for details in regards to Fair Processing Notice, Privacy Notice and Retention Policy.