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22/11/2022

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 372/2022

Thank you for your request for information regarding sharing PNC information with US authorities, which has now been considered.

Applicant Question:

Under what circumstances does the US request fingerprint or criminal record information for a UK citizen? Is this routine (for immigration purposes) or does this happen when a UK citizen gets arrested in the US.

NPCC Response:

Please note that this latest question is being aggregated with your original request which includes queries in relation to that response (NPCC reference 333/2022), and your previous request (NPCC reference 358/2022), both of which have been responded to via WTDK.

The NPCC does hold some information that answers your request.

Under the MOU between ACRO and the FBI, the FBI can request the criminal history record information, and, where available, biometric record information for UK nationals subject to criminal investigation and proceedings in the United States. The name of the MOU is 'Memorandum of Understanding between ACRO Criminal Records Office of the United Kingdom of Great Britain and Northern Ireland and Federal Bureau of Investigation of the United States of America for the Exchange of Criminal and Fingerprint Records'.

ACRO also receive requests for fingerprint and/or criminal record information from the US Embassy for UK nationals. This is based on knowledge due to the nature of previous requests received from the US Embassy.

Outside of the Freedom of Information Act and as a gesture of goodwill, my colleagues have provided the following additional information to try and assist you further.

In regards to immigration ACRO do provide Police Certificates to UK nationals or anyone who has spent time in the UK and is travelling to the US. Further information on this process is available on the ACRO website. [ACRO Criminal Records Office - Police Certificates](#) [ACRO Criminal Records Office - PC Guidance for British embassies](#)

Certificates are prepared in accordance with the ACRO Stepdown Model: [Executive summary \(acro.police.uk\)](#)



ACRO are aware that the US do ask for a Police Certificate as part of their immigration policies however ACRO cannot comment on whether this is for *all* applications or if not all, what criteria they require for a Police Certificate to be requested. Additionally it is important to note that Police Certificates are requested by the applicant and only shared with the applicant. At no point do ACRO share the certificate directly with the US embassy.

The Freedom of Information Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable. Whilst most people exercise this right responsibly a few may misuse or abuse the Act by submitting requests which can be repetitive, disruptive or which have a disproportionate impact on a public authority.

The Information Commissioner recognises that dealing with unreasonable requests can place a strain on resources and get in the way of delivering mainstream services. Furthermore, these requests can also damage the reputation of the legislation itself. Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption.

Please note that going forward, Section 14(1) may be engaged in relation to frequent, repeated requests for information in relation to sharing biometric data with the US.

Yours sincerely

Fiona Greenlees

NPCC Freedom of Information Officer & Decision Maker

www.npcc.police.uk

COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with NPCC to have the decision reviewed within 20 working days of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.

If you would like to request a review, please write or send an email to NPCC Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with NPCC, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Annex A

Legislation – Section 16

- (1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.