



ASSOCIATION OF CHIEF POLICE OFFICERS

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FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 000174/12

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

Applicant Question:

I would like to make a request under the FOI Act, in regards to the UK's policy on sharing information with the United States.

1. My question is if the US Authorities were to request information about an individual's records, whether they would be able to gain access to the PNC or PND, and what the procedure is for responding to such a request?
2. What information can the UK release to the US, taking into account the UK's data protection laws, as well as the Rehabilitation of Offender's Act of 1974, and certain EU laws and directives?
3. Also, under what circumstances would you release this kind of information to the US?
4. I am also interested in individual requests made by US Authorities in the past years. After reading a FOI request (Reference number 000061/12), that states that there were no individual requests to ACRO by US Authorities, I am curious as to whether there have been requests made in the years leading up to 2011. Were there any of these requests made to ACRO between the years of 2008 and 2010 and if so how many were made during each of those years?
5. I also would like to know what information is released to Interpol and if they go through the same procedure?
6. If not what procedure do they go through?

ACPO Response:

1. ACPO do not hold information captured by your request. This is because the US Authorities do not have direct access to the PNC or PND.

ACPO do not share all criminal record information from the PNC with the US Government or the Department of Homeland Security.

Under arrangements that ACRO has in place with the US Embassy, some information may be provided to them on a case by case basis i.e. criminal conviction information derived from records held on the PNC in respect of contractors employed at the US Embassy.

I have pleasure in attaching to this letter, two Service Level Agreements:

Draft Service Level Agreement between Association of Chief Police Officers Criminal Records Office and US Embassy, date of issue 27/09/2011;

Service Level Agreement (SLA) between the ACPO Criminal Records Office (ACRO) and Embassy of the United States, date agreement comes into force – 31/10/2011.

There are no arrangements in place for checking records from the PND for the US Authorities in this regard.

2. All information held by the Police can be shared with the US Authorities once the purpose of the request has been determined. Information that is considered 'spent' under the provisions of the Rehabilitation of Offenders Act 1974 may be disclosed for a policing purpose as defined within the Codes of Practice for the Management of Police Information. For your information and convenience, I provide you with a web-link to ACPO Guidance on the Management of Police Information (Second Edition) 2010.

<http://www.acpo.police.uk/documents/information/2010/201004INFMOP101.pdf>

3. The ACRO International Development portfolio is to promote the exchange of criminal record information between countries to ensure that crime is tackled on a global scale.

ACRO is working to identify which foreign nationals most frequently commit crime in the United Kingdom. This will enable ACRO to establish agreements to exchange information with these countries.

This work will not only allow police officers in the United Kingdom to access up to date information about foreign nationals from around the globe who are offending there, but will also equip officers in the other engaged countries to access information about United Kingdom nationals offending overseas.

In addition the Non European Union Exchange of Criminal Records team (NEU-ECR) has responsibility on behalf of SOCA (Serious and Organised Crime Agency) to exchange criminal records with up to 188 Interpol Countries which includes the US.

The NEU-ECR team makes requests on behalf of police forces and other agencies for the criminal records of Non European Union nationals who are the subjects of criminal proceedings in those countries.

The NEU-ECR team notifies Interpol countries when one of their nationals has been convicted in the United Kingdom and will ensure that convictions obtained by United Kingdom nationals in other Interpol countries are added to United Kingdom law enforcement systems.

This work supports the criminal justice systems both in the United Kingdom and overseas, supports policing objectives and assists in reducing harm to the public.

ACRO Bureau works with a number of bodies, such as the Environment Agency and the Civil Aviation Authority to provide PNC Services. This ensures that all convictions are available to the Courts when sentencing an offender.

In addition, the Bureau works closely with bodies such as the Prison Service, Independent Safeguarding Authority and Ministry of Justice to carry out checks on the PNC for security purposes.

ACRO also provides conviction information to the United Kingdom Borders Agency (UKBA) for people applying for a United Kingdom visa. This information is critical to the UKBA in deciding whether or not entry is granted to the United Kingdom.

The Bureau also issues Police Certificates to people who want to emigrate to a number of countries including Australia, Canada, New Zealand, South Africa, and the United States of America.

The Certificate, which is sent direct to the applicant, details whether or not they have a criminal record in the United Kingdom and is required as part of the visa process by the respective High Commission or Embassy.

The US forms part of the Five Country Conference (5CC), along with Australia, Canada, New Zealand and the UK which facilitates the exchange of immigration information at overseas locations to enhance the integrity of each Member Country's immigration and border security program delivery. The purpose of such an arrangement would be to facilitate the exchange of immigration information at overseas locations and to provide a clear framework in which such exchanges can take place and expectations as to how such exchanges should be conducted.

Immigration information can be defined as information, including personal information, which assists in the regulation of whether, and on what basis, any person may travel to, enter, or remain in, one of the Five Countries; and/or which supports efforts to disrupt or prosecute attempts to circumvent or avoid immigration controls, including the use of criminal prosecutions for related activities by way of other existing mechanisms or processes.

4. ACPO do not hold information captured by your request.

Response reference 000061/12 states that ACRO received no requests in 2011 **via Interpol** from the US Authorities. I can confirm that ACRO received no requests in 2008, 2009 and 2010 via Interpol from the US Authorities. To assist you and provide context, Interpol is located in France and is a central hub whereby countries will submit information to them to share with other countries. ACRO are not involved in this process and do not hold any figures in relation to information provided by forces to Interpol.

5. ACPO do not hold information captured by your request. ACRO has no recorded information which states the process that other Countries follow with regard to sharing information with Interpol.

Yours sincerely

Sherry Traquair
Freedom of Information Officer & Decision Maker

www.acpo.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 ACPO to have the decision reviewed within 2 months 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 ACPO Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with ACPO, 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.