



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Press Release

Date: 21 July 2008

Criminal records ruling: Old convictions data to be deleted

Five police forces have been ordered to delete old criminal convictions from the Police National Computer. In dismissing appeals by Humberside, Northumbria, Staffordshire, Greater Manchester and West Midlands Police, the Information Tribunal has today upheld the view of the Information Commissioner's Office (ICO) that the retention of the old convictions data is in breach of the Data Protection Act.

Mick Gorrill, Assistant Commissioner at the ICO, said: "We welcome the Information Tribunal's ruling which upholds our view that there is no justification for this old conviction data to be held by the police. We believe that this a landmark ruling which will have wider implications for police forces around the country and will ensure that irrelevant details of old criminal convictions are deleted. Those concerned were caused harm and distress by the retention of this data.

"These five cases – some of which date back nearly 30 years – relate to individuals who have been convicted or cautioned on one occasion and have not subsequently been convicted of any other offences. This is an important ruling and one that is likely to influence our handling of complaints in the future."

Background

The Data Protection Act requires that personal information processed for any purpose should be adequate, relevant and not excessive, and should not be kept for longer than is necessary for that purpose. Last November, after investigating

complaints from five individuals, the ICO concluded that the old conviction data is no longer relevant and is excessive for policing purposes, and issued the five police forces with Enforcement Notices requiring the data to be deleted. These were subsequently appealed by the police.

ENDS

For further information, please contact the ICO press office on 020 7025 7580.

Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
3. Anyone who processes personal information must comply with eight principles, which make sure that personal information is:
 - Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than is necessary
 - Processed in line with your rights
 - Secure
 - Not transferred to other countries without adequate protection
4. The out-of-date records held by the police forces include:
 - A record is held by Humberside Police relating to the theft of a packet of meat valued at 99p stolen by a person under 18 years old. The person was fined £15. The incident took place in 1984.
 - A record held by West Midlands Police relating to an offence of attempted theft which was committed over 25 years ago when the individual was fined £25.
 - A record held by Staffordshire Police relating to a person under 14 years old who was cautioned by the police for a minor assault. The individual was told that the information would be deleted when she became 18. She has now been told that the record will not be deleted until she reaches 100 years of age.