

INDEPENDENT ADVISOR FOR CRIMINALITY INFORMATION MANAGEMENT

TERMS OF REFERENCE FOR INDEPENDENT REVIEW OF POLICY ON RETAINING AND DISCLOSING RECORDS HELD ON THE POLICE NATIONAL COMPUTER

1. These Terms of Reference have been agreed between the Home Secretary and the Independent Advisor for Criminality Information Management and do not impact on the independent nature of the review. They are intended to assist both parties by clarifying the scope and focus of the Advisor's work in this area.
2. The Advisor is asked to review the policy for retaining records on the Police National Computer (PNC) and if she is of the view that revisions to that policy are required, recommend proposals that will deliver a clear, principled approach that is fair and proportionate and balances the needs of the individual and protecting the public.
3. The Advisor is asked to review the policy for the disclosure of records held on the PNC and if she is of the view that revisions to that policy are required, recommend proposals that will deliver a clear, principled approach that is fair and proportionate and balances the needs of the individual and protecting the public.
4. For these purposes, "records" are defined as records of convictions and of any other penalties (such as cautions, warnings, reprimands and penalty notices for disorder) which are or may be recorded on the PNC.
5. The Advisor should provide views on:
 - (i) whether records should be subject to deletion and what criteria should be applied to that process;
 - (ii) whether there should be arrangements for limiting access to records and what criteria should be applied to that process;
 - (iii) what information regarding deletion/limitation of access should be provided to the subjects of records by the police and at what stages;
 - (iv) how any suggested arrangements might be applied and monitored including, where possible, an indication of any additional cost.
6. Amongst the issues the Advisor should bear in mind are:
 - (i) the outcome of the "5 Constables Case" which refers to the retention of criminal records on the PNC;
 - (ii) the Association of Chief Police Officers' Retention Guidelines for Nominal Records on the Police National Computer", together with the thinking and evidence underpinning those Guidelines;

- (iii) the broader arrangements for police information handling set out under the Management of Police Information (MOPI) framework;
 - (iv) the relationship between retention arrangements and national systems supporting employment vetting, especially the CRB process (including the provisions contained in Part V of the Police Act 1997) and the Vetting and Barring Scheme which is being introduced;
 - (v) the arrangements for the retention of such records in other jurisdictions within the UK and in those overseas countries she thinks it helpful to consider;
 - (vi) the arrangements for retaining DNA and other biometric data such as fingerprints, together with the research and evidence base supporting the current development of new proposals in this area;
 - (vii) the need to strike a proportionate balance between public protection and personal privacy;
 - (viii) the impact of retention arrangements on the roles and responsibilities of other criminal justice agencies such as the courts and the Crown Prosecution Service.
7. In carrying out the review, the Advisor should consult the Association of Chief Police Officers, the Information Commissioner and such other persons and bodies as she sees fit.
8. The Advisor should provide the Home Secretary with a final report on the review by no later than 26 February 2010.