

# WILTSHIRE POLICE FORCE POLICY



## RECORD DELETION & AMENDMENT

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## TABLE OF CONTENTS

POLICY STATEMENT .....	3
1. National Systems - Deletion (PNC, IDENT1, NDNAD) .....	3
2. PNC Record Amendments .....	4
3. Local Systems Deletion .....	5
4. Local Systems – Amendment of Information Contained within .....	5
5. All Managers/Supervisors/Staff .....	6
POLICY AIM .....	6
APPLICABILITY .....	6
LEGAL BASIS AND DRIVING FORCE .....	6
GLOSSARY OF TERMS .....	6
RELATED POLICIES, PROCEDURES and OTHER DOCUMENTS .....	6
AUTHORISED PROFESSIONAL PRACTICE .....	7
DATA PROTECTION .....	7
FREEDOM OF INFORMATION ACT 2000 .....	7
MONITORING and REVIEW .....	7
WHO TO CONTACT ABOUT THIS POLICY .....	7
DOCUMENT ADMINISTRATION .....	8

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## **POLICY STATEMENT**

This policy relates to the forces approach to dealing with requests from any individual for the deletion or amendment of their personal data held by Wiltshire Police. As Data Controller, the Chief Constable has a legal obligation to comply with the requirements of the Data Protection Act 2018, the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED). Two of those requirements, are the basis for this policy:

- Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')

The data subject has the right to rectification and the right to erasure (right to be forgotten) subject to certain grounds as specified.

Any person requesting a deletion or amendment of a record must provide the following as proof of identification prior to their request being assessed:

- a copy of a form of photographic identification (e.g. passport, Driving Licence) AND
- proof of current address such as utility bill.

Requestors must also indicate how they wish to be contacted i.e. by post, e-Mail or phone and supply relevant addresses/numbers.

Applications will only be considered if they originate from the individual concerned, their legal representative, a Member of Parliament or the parent, guardian or appropriate adult of the applicant in cases where the individual is a vulnerable person or under 18 years of age.

Applicants, who require contact with some other person/organisation representative acting on their behalf, will be required to submit a signed letter setting out the contact details of that person and providing explicit consent for their application to be discussed with that person / organisation representative.

All requests will be actioned within one month of receipt into Force. The data subject will be informed in writing whether their request has been granted or refused. Where requests are refused, applicants will be informed of their right to make a request or complaint to the Information Commissioner and the right to apply directly to a Court. Any communication with the applicant regarding their personal data must be sent by a secure method.

This policy supplements the Force [Data Protection Policy](#).

### **1. National Systems – Deletion (PNC, IDENT1, NDNAD)**

Any person requesting information held on PNC, IDENT1 (fingerprints) or NDNAD (National DNA Database) to be deleted should be directed to ACRO Criminal Records Office in line with the national process. Further information about this process can be found at [www.acro.police.uk](http://www.acro.police.uk) under 'Records Deletion'.

Examples of such requests may include the following:

- Requestor states that it is not in the public interest to retain the record of their caution
- Requestor states that they were unlawfully arrested
- Requestor states that their arrest was the result of a malicious allegation

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Court convictions are not eligible for deletion through this process.

The applicant must make the application through the postal application process to ACRO. If valid, the application will then be sent to the Force that owns the relevant record (for example, the Force that conducted the arrest or gave the caution). The owning Force will then undertake a local assessment of whether the record is eligible for deletion.

In Wiltshire Police, the local assessment and recommendation process is the responsibility of the Information Management & Assurance Business Area, Records Management Team. All requests for amendment/deletion of records and the relevant identification should be directed to [RecordsManagement@wiltshire.police.uk](mailto:RecordsManagement@wiltshire.police.uk) where the request will be recorded for assignment, audit and monitoring purposes. The request will be assigned to a Decision Maker (DM) for research, assessment and decision.

Decisions for continued retention will be sent to the Records Manager for approval and then directed back to ACRO with the rationale for the decision. Where a record is retained, the Records Management DM will add an entry to the relevant Niche OEL (where appropriate) reflecting the action taken.

Decisions for deletion will be approved by the Head of Information Management & Assurance and communicated directly back to ACRO. Where a PNC record is deleted and the local record retained, the Records Management DM will add an entry to the relevant OEL on Niche reflecting the action taken,

All correspondence and decision making rationale will be retained within the relevant folder in the Records Management site.

The Records Management Team will use ACRO requests for amendment or deletion of National records as a trigger to carry out a review of associated local records held in Niche RMS (including Custody Images and Intelligence), STORM and other relevant legacy Line of Business Applications. Further detail can be found in the following sections.

## **2. PNC Record Amendments**

Requests for the amendment of PNC records from members of the public should be recorded with the Records Management Team ([RecordsManagement@wiltshire.police.uk](mailto:RecordsManagement@wiltshire.police.uk)) and immediately forwarded to the PNC Bureau inbox along with the requisite identification. Where the request has come into another department or person, it may be more appropriate for them to continue to act as the point of contact for the requestor. Please note that the PNC Bureau do not liaise directly with members of the public.

Such requests will usually arise where the PNC record has not been updated, and examples may include the following:

- A prosecution incorrectly showing as impending when in fact it has been resulted
- A non-molestation order showing as ongoing when in fact it has been discharged
- A record showing against the incorrect nominal

In such instances, the request, together with any necessary evidence (for example, the court order showing the non-molestation order has been discharged) should be emailed to the PNC Bureau inbox. The PNC Bureau will then update or amend the record as appropriate and confirm when this has been actioned. The person liaising with the requestor will then send confirmation of the amendment made to the requestor.

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Routine requests originating from Wiltshire Police employees of partner agencies will continue to be routed directly to the PNC Bureau.

### **3. Local Systems – Deletion**

Applicants requesting the deletion of Niche Occurrences, Intelligence reports, STORM, Custody/VIPER Images or records contained within other relevant legacy Line of Business Applications\* are requested to complete [Form 278 \(Application for Local Record Deletion/Amendment\)](#). When complete, the form along with the photographic identification that the applicant has provided should be forwarded to the Records Management Team ([RecordsManagement@wiltshire.police.uk](mailto:RecordsManagement@wiltshire.police.uk)).

Where the request has come into another department or person, it may be more appropriate for them to continue to act as the point of contact for the requestor.

Records Management will undertake a search of a number of local and national information systems in order to conduct a full review of the nominal and make a risk based decision as to whether to retain or delete the record in question. The decision making process will be in line with the relevant APP guidance ([Information-management > management-of-police-information > retention-review-and-disposal-of-police-information](#)), other relevant Process or Guidance.

Records Management will action the decision themselves (where appropriate) or forward the instruction to the Records Manager or other departments for action.

\*Legacy Line of Business Applications:

- Intel (Optimus)
- C&C Logs
- Stop Search
- Domestic Violence
- Child Protection
- Vulnerable Adults
- Warrants

Any requests for amendment or deletion of local records held by other departments, for example but not necessarily limited to, People Services, Occupational Health and Professional Standards are the responsibility of the department holding that record. Every department must have suitable processes in place to deal with such requests and all must be documented fully. Applicants should be asked for suitable ID and are required to complete the [Application for Local Record Deletion/Amendment form](#). Both should be sent to Records Management ([RecordsManagement@wiltshire.police.uk](mailto:RecordsManagement@wiltshire.police.uk)) for logging and initial evaluation purposes. The application will then be forwarded to the relevant department for action.

### **4. Local Systems - Amendment of Information contained within**

Any applicants requesting the amendment of information contained within a record in any Wiltshire Police information system must complete the [Application for Local Record Deletion/Amendment](#) form and send to Records Management ([RecordsManagement@wiltshire.police.uk](mailto:RecordsManagement@wiltshire.police.uk)). These requests will be initially evaluated by the Records Manager and where appropriate forwarded to the Head of Information Management and Assurance, Records Management, Force Crime and Incident Registrar, ICT or relevant department for action.

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In order to safeguard the integrity of investigations, Niche records will only be amended or deleted in exceptional circumstances, and documented fully. Usually, the creation of a new entry on the relevant OEL (a Disputed Information Marker) to reflect the requestor's opinion will be sufficient to comply with the force's legislative obligations and no amendment or deletion will be necessary.

Requests for OEL entry deletions should not be received from members of the public only Niche users. An example would be where an officer has added an entry to the wrong OEL. In these instances, the request will be directed to the Head of Information Management and Assurance for consideration. The subsequent decision and rationale will be communicated to the Records Manager who will ensure they are saved in the relevant folder within the Records Management Team site. The Records Manager will liaise with the requestor regarding the decision for retention, amendment or deletion.

Any requests for deletion or amendment which falls under the responsibilities of the Data Quality Team or the Force Crime and Incident Registrar, for example the merging of nominals or changing of a crime classification, will be dealt with as per their normal procedures.

Due to technical constraints it may not always be possible to amend data in some databases.

## **5. All Managers / Supervisors / Staff**

It is the responsibility of all employees to ensure that they possess an awareness of this policy to allow requests to reach the correct department and be dealt with promptly. Advice may be required from officers or staff that have been involved in the matter in question, or possess expert knowledge of the type of incident or any relevant factors, to ensure that a lawful and justified decision is reached with regard to the deletion or amending of a record.

### **GLOSSARY OF TERMS**

<b>Term</b>	<b>Meaning</b>
APP	Authorised Professional Practice
OEL	Occurrence Enquiry Log

### **POLICY AIM**

To outline the process for dealing with requests from any individual for the deletion or amendment of their personal data held by Wiltshire Police.

### **APPLICABILITY**

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Wiltshire Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

### **LEGAL BASIS AND DRIVING FORCE**

Data Protection Act 2018  
General Data Protection Regulations

### **RELATED POLICIES, PROCEDURES and OTHER DOCUMENTS**

[Data Protection Policy](#)  
[Niche RMS Minimum Data Quality Standards](#)  
[Information Management Policy](#)  
[Records Management Policy](#)

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## **AUTHORISED PROFESSIONAL PRACTICE**

[Information-management > management-of-police-information > retention-review-and-disposal-of-police-information](#)

### **DATA PROTECTION**

Any information relating to an identified or identifiable living individual recorded as a consequence of this policy will be processed in accordance with the Data Protection Act 2018, General Data Protection Regulations and the Force [Data Protection Policy](#).

### **FREEDOM OF INFORMATION ACT 2000**

This document has been assessed as suitable for public release.

### **MONITORING AND REVIEW**

This policy will be reviewed every two years by the Records Manager. A review will be scheduled to take place earlier than this where an applicable change in legislation is to be made.

### **WHO TO CONTACT ABOUT THIS POLICY**

The Head of Information Management and Assurance is responsible for this policy. All queries relating to this policy should be directed to the Records Manager or the Force Policy Officer.

## DOCUMENT ADMINISTRATION

### Ownership:

Department Responsible: Information Management and Assurance  
Policy Owner: Keith LEWIS (Head of Information Management and Assurance)  
Technical Author: Leonie Calland Records Manager  
Senior Officer/Manager Sponsor: Deputy Chief Constable

### Revision History:

Revision Date	Version	Summary of Changes
June 2019	3.0	Reference to 'legacy databases' changed to 'legacy Line of Business Applications'.
August 2019	3.0	Section 3: 1st paragraph reference to VIPER added after Custody.
August 2020	3.0	Minor amendment to team name - Review, Retention and Disposal (RRD) Team changed to Records Management Team

### Approvals:

This document requires the following approvals:

Name & Title	Date of Approval	Version
Continuous Improvement Team	18.06.2019	3.0
Head of Information Management and Assurance	13.06.2019	3.0
JNCC (Not required for all policies)	N/A	

### Distribution:

This document has been distributed via:

Name & Title	Date of Issue	Version
E-Brief		
Email to relevant affected Staff/Officers		
Other: (state method here)		

### Diversity Impact Assessment:

Has a DIA been completed? If no, please indicate the date by which it will be completed. If yes, please send a copy of the DIA with the policy.	<input type="checkbox"/> Yes Date: _____	<input checked="" type="checkbox"/> No
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### Consultation:

List below who you have consulted with on this policy (incl. committees, groups, etc):

Name & Title	Date Consulted	Version

### Implications of the Policy:

#### Training Requirements

None

#### IT Infrastructure

None