

Applying to have your custody images deleted from police systems

Introduction

Section 64A of the Police and Criminal Evidence Act 1984 ('PACE') provides the police with the power to take photographs of anyone who is detained at a police station in England and Wales. These photographs are called **custody images**. Custody images may include pictures of faces, tattoos and other identifying features on the body, such as marks and scars. Frontline police officers often use custody images to identify suspects and offenders.

The police are obliged to store any personal information about you in accordance with the law. This includes things like your image, fingerprints and DNA, which are known as biometrics. The Protection of Freedoms Act 2012 contains strict rules about how long the police can hold your fingerprints and DNA. Similarly, the Government issues guidelines about how long the police in England and Wales can store custody images. This guidance focuses on your rights to apply to have your custody images removed from **all** police systems.

Custody images are stored on local police computer systems. They are also uploaded to the Police National Database (PND) so that all police forces have access.

How do I apply to have my custody images deleted?

The police are required to keep your custody image for different time periods, depending on the type of offence you have been convicted of. Once this time period has passed, and there is no other reason to keep them, your custody image must be deleted permanently.

Currently it is not possible for the police to automatically delete custody images that are no longer needed. If you are concerned that the police are holding photographs of you without good reason, please write to the police force that dealt with your case. Full contact details for local forces can be found on their websites. For custody images taken by Wiltshire Police please complete the Form 278 on our [website](#).

When making your application, you will need to provide appropriate photographic identification, such as a passport or driving licence, and proof of your address, such as a bank statement or council tax bill.

When can I apply to have my custody images deleted?

Anyone who has had their custody images taken, whilst detained by the police, can apply to have them deleted, but when you can apply depends on whether you have been convicted of an offence and what type of offence you have been convicted of.

NOT CONVICTED of an offence: Applying for deletion of your custody images

If your custody images were taken while detained at a police station but you were not ultimately convicted for the reason you were detained, you can apply to the police force who arrested you to have those custody images deleted. If you have been arrested more than once, by more than one police force, or for different offences and had your custody images taken each time, you will have to make a separate request for the deletion of each set of custody images.

CONVICTED of an offence: Applying for deletion of your custody images

All offences that people are convicted of are divided into 'recordable' and 'non-recordable' offences. A recordable offence is a criminal offence for which the police are required to keep a record on their systems. You may have your image taken in either case.

The type of offence you are convicted of will determine when you can apply for your custody image to be deleted. Information on this can be found at the below link, however you are not expected to have anything more than a general understanding of where your offence falls. You should not be discouraged from applying if you are unsure.

Custody Image deletion, including offence grouping:

<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/retention-review-and-disposal-of-police-information/#custody-images>

What happens once I have applied to have my custody images deleted?

After you apply for deletion of your custody images, the decision to keep or delete them will be given to you in writing. If your images are deleted, they will be removed from both local and national systems. Where the decision is to refuse deletion, you will be informed of:

- the reasons for refusing deletion, unless there is a compelling reason not to do so, for example, ongoing investigation or intelligence that is not to be disclosed.
- the date of the next review schedule.
- the date when you can reapply for deletion.

Useful Links

- Custody Image Review 2017:
<https://www.gov.uk/government/publications/custody-images-review-of-their-use-and-retention>

- College of Policing – Management of police information:
<https://www.app.college.police.uk/app-content/information-management/management-of-police-information/>
- Police.UK
<https://www.police.uk/>

Summary

This flow diagram shows the deletion process for individuals who have had their custody image taken:

