

LEDS Open Space:

Custody Image Review II – Update

V1.0

20 August 2019

This Document has been written with the aim of stimulating discussion on the development of the Code of Practice for LEDS It is not intended to be viewed as current Home Office policy or intention. It is to be circulated to and viewed only by members of the LEDS Open Space.

Purpose

This paper has been written with the aim of providing a brief update to members of the LEDS Open Space, on the commencement of the Custody Image Review II.

Summary

There has been increased drive to improve the governance of police collection, use and retention of custody images.

This summer, the Home Office agreed to start a second review of custody images earlier than planned and wrote to Parliament in July 2019 to that effect.

This paper announces the formal commencement of the Custody Image Review II (led by the Data & Identity Directorate); and provides an update to the ongoing work to improve the lawful and ethical management and use of custody images, reduce legacy images improve quality and consistency of upload to the Police National Database and ultimately the Law Enforcement Data Service.

Custody Image Review

1. Parliament has raised concerns over the implementation of the data retention regime for custody images as set out in the Review of the Use of Custody Images 2017. This allows those who have been arrested but not convicted to request the deletion of their custody images, with a strong presumption in favour. To support implementation of that policy, the Home Office is working with police to produce guidance on the rights to request deletion of custody images and we have written to the Association of Police and Crime Commissioners (APCC) and the NPCC asking them to improve compliance with the existing custody images policy.
2. Nevertheless, given the concerns raised by Parliament and others, we have decided to bring forward the review of custody images policy, which had been planned for next year. This will be taken forward with various parts of the Home Office working together with the NPCC and APCC and includes work to develop options for automatic deletion and short-term solutions for the management of legacy custody images.

3. In support of this the following work is ongoing:
 - a. Profile of PNC data to understand the offences/outcomes and persons linked to images; the aim being to identify potential deletion options which policing could adopt with minimal risk;
 - b. Mapping the legislative and regulatory environment in which policing operates – images do not currently sit with Protection of Freedoms Act;
 - c. Working with the PNC Retention Working Group to support the wider retention of data – outside of the scope of this review but intrinsically linked;
 - d. Engagement with Open Space attendees to understand the concerns of privacy rights groups; and
 - e. Working with NPCC to ensure that the value of images is demonstrated.

4. We are convening a Working Group to take this project forward and will update the LEDS Open Space as our thinking develops.

Reduce Legacy Images

5. Work has started but not concluded to profile PNC and categorise records against the Management of Police Information (MOPI) levels. This analysis will support to identify the legacy records for people who were arrested but not convicted. Police Forces will be informed about the records that they are responsible for and supported to delete the related custody image on local and national systems. Progress so far includes:
 - a. PNC profiling reports developed
 - b. Mapping of PNC offence codes to MOPI levels is underway:
 - i. PNC has 44000 different offence codes
 - ii. PND has 13000 common offence codes with PNC mapped to MOPI levels
 - iii. 31000 offence codes being reviewed to determine validity and candidate MOPI level.