| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2711  Responded to: xx February 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

**Any information held in relation to any review or consultation into the update of the record retention SOP in 2022/23 in relation to FPN' or Direct measures, for this example this me be a rational behind any proposed changes to said SOP.**

We have consulted with colleagues in our Records Management and Policy Support Teams and the following information was sourced which is within scope of your request.

Our records management team conducted a survey with representatives from several business areas - two of the questions were relevant.

The first was ‘To what extent do you agree or disagree that the retention of direct measure records for 7 years is appropriate?’

There were 17 responses - 8 ‘agree’, 7 ‘neither agree nor disagree’ and 2 ‘strongly agree’.

The associated comments were as follows:

*‘Agree - although we need to be clear why i.e. to enable assessment as to whether a further offer is appropriate (for example where an offender has had multiple COs in the last 7 years)’*

*‘Given RPWs are only retained on CHS for 2 years and are only relevant within a 3 month period, 7 years does appear excessive - the crime would remain recorded for 10 years given the expectation would be low risk.’*

*‘The comparison of this retention comparison with CHS was not called out on slide 12. Is there are risk that this information could be disclosed when the information has been weeded from the individual's criminal record? CHS will weed after two years.’*

*‘Road Policing consider that the proposed retention period for direct measures which would impact on their area of business is appropriate and have nothing further to add.’*

*‘This appears proportionate for the majority of cases. However, a caveat is that under COVID-19 there is already data held and analysed which has formed part of external scrutiny arrangements. This could be the matter of future debate and analysis given the public interest. On that basis the wider issues of retention limitation should be considered. On an individual basis however this should be proportionate.’*

*‘limited involvement in direct measures’*

*‘Again no specific dealings’*

In addition to the above, a form was sourced which is also relevant (see Appendix A) and an extract from a spreadsheet (see Appendix B).

These were attachments in an email from the Police Scotland Data Transformation Lead to our Records Manager, Records Officer and a police officer involved with the project in May 2020.

This email also stated - *‘You can see I have attached a requirements matrix which beyond the output from the Crime SLWG I have used to inform the DM and to some extent the warrants policy. I have change DM to reflect Disclosure's need to report on 6 years not 3 and also DPP would like to retain for 7 to analyse the data but it will be masked for reporting purposes after 3.’*

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.

**Appendix A – Identifying and Amending Record Retention Rules Form**

A black and white logo

Description automatically generated

|  |  |
| --- | --- |
| **Identifying and Amending Record Retention Rules** | |
| **Div / Dept** | Criminal Justice Services Division |
| **Record Type / System Name** | Direct Measures |
| **IAR Ref No (if applicable)** |  |
| **Strategic IAO** | ACC Local Policing East |

There are two tables below. The first provides definitions of each of the required elements on the second, which is a blank form to be used when identifying and amending retention rules.

|  |  |
| --- | --- |
| **Element** | **Description** |
| Ref | Quote the original retention reference being amended, including section number. If it is brand new, input 'New'. |
| Page | State the page number of the original retention schedule on the published Records Retention SOP |
| Function | Title of the record creating function. |
| Function Description | Describe the function that is creating the records in question. Draw on previous entries but expand as necessary. |
| Trigger | Identify when the time period should start. This could be things like date created, case closed, etc. |
| Retention | Once the trigger has occurred, how long the record should be retained. |
| Action | State what should happen at the end of the retention period. The majority will be destroy, but could also include review or transfer to archives. |
| Examples of Records | Provide examples of records that fall within this function. This should not be exhaustive, but will provide enough information to make a decision. |
| Notes | Legislative or regulatory obligations and any rationale used in the creation of the retention rule can be stated here. |
| Justification for change | Justification for why the change and/or new retention rule is required. This will help Records Management to assess whether a change is justified or not. |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Ref** | **Pg** | **Function** | **Function Description** | **Trigger** | **Retention** | **Action** | **Examples of Records** | **Notes** |
| ***15.1.11*** | ***53*** | ***Direct Measures Management – Process of recording and managing tickets issued to offenders instead of standard prosecution*** | All tickets - including but not exclusive to: Conditional Offers (Endorsable and Non-Endorsable), Antisocial Behaviour tickets, V-Recs, HORTs, Recorded Police Warnings | Date Issued | 7 years | **Destroy** | **National Direct Measure System**  **Legacy Direct Measure Systems**  **Paper Records** | *The DMs will be retained for 7 years before weeding.*  *After 3 years the DM system will mask all sensitive nominal data.*  *Data will be retained for the period above within the data lake to allow for analysis, reporting, disclosure and vetting purpose.*  *All tickets where possible should be issued electronically to individuals.*  *Paper record tickets, where possible should be transferred onto the electronic system and thereafter disposed.*  *If paper record tickets need to be retained by Police Scotland, they should be held securely and governed to ensure there safe storage.*  *Electronic record will be retained longer if instructed by COPFS for an ongoing investigation.* |
|  | | | | | | | | |

**Please see retention requirements matrix to support this policy.**

**Appendix B**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Modules | APU | DPU | PSD | Finance | Disclosures |
| Direct Measures (FPN) | Unknown Div - We do occasionally extract FPN data via ScoMIS.  We probably wouldn't require any more than the standard 5 years + current.  Unknown Div - Use FPN's for the weekly nominal checks, ALO reports and occasionally for problem profiles. At most we would look at 2 years worth of data as a comparison for a specific area, but no more than that.  **P Div** - We will use occasionally for queries where FPN data required and also to supply data to other departments as we can access via Business Objects albeit I have set up searches so that our local Business Support can also extract themselves. Would agree that 5yrs plus current should be sufficient. All of this data is held in PENSYS system for Fife.   **L Div -** FPN - 5 years + current is sufficient.   **J Div -** we are in agreement that the timescales of 6 years are sufficient for us  **L Div -** FPN and Case - 5 years + current is sufficient  **Q Div** - I would agree with the Direct Measures (5 years + current year)  **Div A:** we have a requirement for access to this data and the '5 years + current' period would be appropriate. We are frequently asked to look at this data to help inform our partnership working and early interventions strategy.  **V Div -** I agree with suggested approach in terms of direct measures/case **Org Crime** - 5 years + current year - Agree | Nightly CDC of Direct Measures | Systems accessed for Audit checks with auditing often tasked out to ICT teams  PSD Gateway: Tickets we have had to audit but normally within the last year or so | Finance do not currently access any of these systems | We would normally see this information when we are researching an individual through Part V. In the majority of cases this information related to minor matters. However it may inform our decisions for example where someone has a number of tickets for driving or disorder offences |