



# Home Office

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request-13707-16dcfd0f@whatdotheyknow.com  
Mr Christopher Stacey

Reference: T10839/9

3 August 2009

Dear Mr Stacey,

Thank you for your e-mail of 25 June in which you asked for the current procedure in place for information on the Police National Computer (or other criminal conviction-related information) to be shared with the United States.

The Home Office does not hold a copy of any agreement by which information on the Police National Computer (or other criminal conviction related information) is shared with the United States. We are however aware of the general process by which information is shared. In deciding to release the information we have considered that the public interest in relations to the exemptions set out in Section 31(1)(a) [the prevention and detection of crime and 31(1)(b) [the apprehension and prosecution of offenders] of the Freedom of Information Act falls in favour of providing the information.

The public interest reason in favour of withholding the information is to make sure that those who have committed crimes or who have otherwise come to the attention of the law enforcement authorities in each country are not aware that information is shared between the United States and the United Kingdom. The Public Interest Test arguments in favour of disclosure are that it is important for members of the public to be aware that information is shared between the two countries. By doing this the public can be re-assured that criminals are not able to escape justice by moving country, or be committing crimes in a country that is not that of their nationality. In this case the public

interest argument in favour of withholding the information is outweighed by the arguments in favour of releasing the information.

The United States authorities do not have routine access to criminal record information held on the Police National Computer nor is the Police Certificate Process routine access to the PNC by the American Authorities. The Police Certificate arrangements are with the individual applicants who may or may not choose to subsequently share the content of the certificate with the US authorities. Further information on the ACRO Police Certificate Process can be found on the ACRO website at <http://www.acpo.police.uk/certificates.asp> and on the application form page of the same website at <http://www.acpo.police.uk/Certificates/Application%20Form%208.doc>

The United States authorities are able to seek details of any criminal convictions held on the Police National Computer on an individual request basis through Interpol channels.

Criminal conviction information on US Nationals who have been convicted of offences in England and Wales is extracted from the Police National Computer and sent, via Interpol channels to the United States in cases where there are fingerprints available and when the conviction is for imprisonment for 12 months or more or the offence is against national security or where sharing would be in the interests of public protection.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint within two months to the below address quoting reference 12312:

Information Rights Team  
Information and Record Management Service  
Home Office  
4th Floor, Seacole Building  
2 Marsham Street  
London  
SW1P 4DF  
Email: [info.access@homeoffice.gsi.gov.uk](mailto:info.access@homeoffice.gsi.gov.uk)

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

**Robert Butlin**