

Certainly, Simon. Here's a clear breakdown of the key points based on the emails and the legal framework detailed in the webpage:

What is Allowed:

1. Rehabilitation of Offenders Act (ROA) 1974:

- Convictions can become "spent" after a specific rehabilitation period, depending on the sentence and the individual's age at the time of conviction.
- Custodial sentences of up to 4 years (excluding Schedule 18 offences) become spent after 7 years from the sentence's completion, including any license period.
- Life sentences, sentences over 4 years for violent or sexual offences, and certain severe offences (e.g., Schedule 18 offences) are never spent.

2. Right to Access Your Data (GDPR):

- You have the right to access all personal data held about you through a Subject Access Request (SAR). This includes all arrest and conviction records.
- Non-conviction information (e.g., cases marked as "No Further Action" or "Not Guilty") can be included but cannot typically be removed unless specific criteria are met.

3. Eligibility for Record Deletion:

- Non-convictions such as cautions, warnings, or records marked as "NFA" may be eligible for deletion through the Record Deletion Process (RDP). These are reviewed case-by-case by the police force responsible.
- Records for offences resulting in a pardon or royal prerogative of mercy are eligible for deletion if actioned by the police force.
- You can apply for the removal of incorrect data or data taken unlawfully (e.g., mistaken identity or no crime committed).

4. Impact of DBS Filtering Rules:

- DBS Filtering rules determine what is disclosed for employment purposes. Certain spent convictions and cautions may no longer appear on DBS certificates.
- A list of specified offences will never be filtered from a DBS check, even if considered spent.

What is NOT Allowed:

1. **Deletion of Convictions:**

- Court convictions (whether spent or unspent) are retained on the Police National Computer (PNC) until the individual is 100 years old.
- There is no process under the ROA or GDPR to delete convictions from the PNC unless they are successfully challenged As “**Inaccurate**” Or “**Unlawful.**”

2. **Use of SAR for Employment Purposes:**

- A Subject Access Request disclosure, which includes all arrests and convictions, is for personal use only. It cannot be used for employment purposes.

3. **Sealing Records:**

- The UK does not have a legal provision for "sealing" criminal records. Spent convictions remain on the PNC, even if not disclosed for certain purposes.

4. **Expungement Legislation:**

- There are no current legislative frameworks in the UK for the full expungement of convictions, although certain pardons and specific processes (e.g., for decriminalized offences) may apply.

5. **Exceptions for Certain Professions:**

- Spent convictions may still need to be disclosed for professions listed under the ROA (Exceptions Order) 1975, such as those working with children or vulnerable adults.

Eligible Records for Review Under the Record Deletion Process (RDP):

1. **Penalty Notices for Disorder (PND):**

- Eligible for review and possible deletion if deemed appropriate by the owning police force.

2. **Cautions (Adult and Juvenile):**

- Includes Youth Cautions, Adult Cautions, and Conditional Cautions.

3. **Final Warnings (Juvenile):**

- Can be reviewed under the RDP if eligibility criteria are met.

4. **Reprimands (Juvenile):**

- Eligible for consideration for deletion.

5. **Conditional Discharges and Absolute Discharges (Court-issued):**

- May qualify for deletion under grounds such as errors or incorrect processing.
- 6. **Arrests Not Resulting in Charge:**
 - Includes cases marked as "No Further Action" (NFA) or dropped charges.
- 7. **Cases with Discontinuance (Minor Offences):**
 - Applicable where proceedings were discontinued for minor offences without charges.
- 8. **Biometric Data Retention:**
 - DNA or fingerprints unlawfully taken or approved for retention under mistaken identity are eligible for deletion under the Protection of Freedoms Act 2012.
- 9. **Non-conviction Qualifying Offences:**
 - Biometric data retained for qualifying offences can be reviewed, with approval by the Biometrics Commissioner or District Judge.

Records NOT Eligible for Deletion:

1. **Court Convictions:**
 - Retained on the Police National Computer (PNC) until the individual is 100 years old.
 - Includes Conditional and Absolute Discharges issued by courts.
2. **Youth Custody and Life Sentences (Schedule 18 Offences):**
 - Excluded from rehabilitation under the ROA and cannot be deleted.
3. **Penalty Fines:**
 - If tied to convictions, fines are recorded alongside conviction details and are not removable.
4. **Non-convictions Approved for Retention:**
 - Serious offences with biometric retention approvals are not eligible unless reviewed under specific grounds.
5. **Profession-specific Exceptions:**
 - Professions listed under the ROA Exceptions Order 1975 may require disclosure of spent convictions (e.g., working with children or vulnerable groups).

Clarifications on Penalty Fines, Reprimands, and Warnings:

- **Penalty Fines**: If tied to cautionary events or disorder notices, may qualify for deletion under grounds such as mistaken identity or incorrect processing.
- **Reprimands**: Juvenile reprimands can be reviewed for deletion under the RDP.
- **Warnings**: Final warnings (juvenile or adult) may be deleted depending on circumstances.

Legal Frameworks Supporting Record Deletion:

1. **Rehabilitation of Offenders Act 1974 (ROA)**:
 - Provides rehabilitation periods for spent convictions but does not authorize deletion of court convictions.
2. **Data Protection Act & GDPR**:
 - Non-conviction records may be removed under rights to erasure if they are no longer legally necessary.
3. **Protection of Freedoms Act 2012**:
 - Governs the destruction of biometric data taken unlawfully or based on mistaken identity.
4. **Police Act 1997**:
 - Addresses DBS disclosures and inclusion of non-conviction information for employment purposes.

Additional Points for Advocacy and Understanding:

1. **Impact of DBS Filtering Rules**:
 - Determines which spent convictions or cautions are disclosed for employment purposes.
 - Minor offences may no longer appear on DBS certificates; severe offences are always disclosed.
2. **Youth-specific Provisions**:
 - Sentences for offences committed under 18 follow adjusted rehabilitation periods, except exclusions like life sentences and Schedule 18 offences.
3. **Eligibility for Pardon or Mercy**:
 - Convictions removed due to a pardon or royal prerogative of mercy are fully deleted from the PNC.
4. **Judicial Recommendation or Public Interest**:

- Courts may recommend deletion if supported by judicial review or public interest concerns.

5. **Future Legislation:**

- ACRO advises querying the Home Office regarding potential future frameworks for expungement or sealing criminal records.

Next Steps for You:

- **Record Deletion Application:** If you're eligible, you can submit a formal application through ACRO for the deletion of specific non-conviction records.
- **Judicial Review:** For records causing human rights infringements, you may pursue a judicial review if deletion is refused.
- **Legal Advice:** Consider seeking specialized legal guidance to explore any potential challenges to data accuracy or processing.

Let me know if you'd like further clarification on any of these points or assistance with updating your documentation!