

FROM THE OFFICE OF THE JUSTICE MINISTER



Minister's Office Block B,
Castle Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG
DOJ.AssemblySection@justice-ni.x.gsi.gov.uk

Ms Caroline Conway
Independent Reviewer of Criminal Record Information

By e-mail: caroline.conway@accessni.gov.uk

8 July 2020

Dear Caroline

**INDEPENDENT REVIEWER OF CRIMINAL RECORD INFORMATION – ANNUAL
REPORT 2019/20**

Thank you for submitting your first annual report as the Independent Reviewer (IR) of Criminal Record Information. I have read this with interest especially as it is the first time that a Minister of Justice has been able to consider the annual IR report.

I have noted the increase in your workload over the past year, especially in requests made by applicants for reviews. I believe these requests will continue to grow, as they have since the scheme was introduced, particularly as individuals increasingly realise that such a challenge function exists.

I have also noted in the vast majority of cases, both auto-referrals and reviews, that you require AccessNI to remove information from the certificate. In one respect that is a valuable process as there is no doubt that if such cases proceeded to court the judiciary would be likely to arrive at similar decisions to those that you have made. However, it also suggests there are fundamental issues with the AccessNI filtering scheme in that many of these cases should not have to be referred to you in the first instance.

That is the thrust of your second recommendation and in response to this I can advise you that I have asked AccessNI officials to take forward a review of the current filtering

legislation and scheme, with a focus on considering whether all the current offences that are specified should be retained on that list. I would hope that you could agree to assist my officials as they consider the scope and extent of that review. I was however taken by your thoughtful recommendation that consideration should be given to including other offences such as theft and fraud as specified offences as vulnerable adults may well be prone to such offences.

Turning to your first recommendation, I agree that legislation should be brought forward as soon as possible to give effect to the Supreme Court judgment made in January 2019. Work is underway to do this. I also appreciate your warning in relation to the blanket non-disclosure of informed warnings, cautions and youth diversionary conferences awarded to those under 18. Your experience in considering whether such offences should or should not be disclosed will be a significant factor in considering the way forward here.

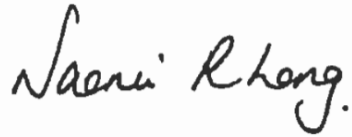
I will now take steps to publish your report and my response on the DoJ website alongside previous IR reports. In addition, I will send a copy of your report and my response to the Justice Committee for reference.

Thank you for all the important work that you do in ensuring that a balance is struck between safeguarding children and vulnerable adults in Northern Ireland and upholding the rights of applicants to only have the appropriate parts of their criminal record information disclosed, which is based on the relevance to the posts they are applying for. It is greatly appreciated.



Department of
Justice
www.justice-ni.gov.uk

Yours Sincerely



Naomi Long

NAOMI LONG MLA
Minister of Justice