

*These notes refer to the Protection of Freedoms Act
2012 (c.9) which received Royal Assent on 1 May 2012*

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 1: Regulation of biometric data

Chapter 1: Destruction, retention and use of fingerprints etc.

Schedule 1: Amendments of regimes other than PACE

Part 5: Material subject to the Criminal Procedure (Scotland) Act 1995

125. *Paragraph 6(3)* inserts new section 18G into the Criminal Procedure (Scotland) Act 1995 This provides that where relevant physical data, samples or information derived from samples taken under the powers mentioned in that new section would otherwise need to be destroyed because of the expiry of a time limit set out in the new provisions, if the 'relevant chief constable' determines that it is necessary to retain that material for the purposes of national security, those fingerprints or DNA profiles may be further retained for up to two years. The relevant chief constable may make further determinations to retain the material, which again have effect for a maximum of two years. 'Relevant chief constable' is defined in new section 18G(6) and *paragraph 6(2)* makes a consequential amendment to the Criminal Procedure (Scotland) Act.