

---

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 19. (See end of Document for details)*

---

## SCHEDULES

### SCHEDULE 6

#### DETENTION UNDER SECTION 27

#### PART 4

#### DEALING WITH FINGERPRINTS AND SAMPLES ETC: UNITED KINGDOM

##### *Retention of fingerprints and samples etc: general*

- 19 (1) This paragraph applies to—
- (a) fingerprints taken under paragraph 10,
  - (b) a DNA profile derived from a DNA sample taken under paragraph 10 or 12,
  - (c) relevant physical data taken or provided by virtue of paragraph 18, and
  - (d) a DNA profile derived from a DNA sample taken or provided by virtue of paragraph 18.
- (2) Fingerprints, relevant physical data and DNA profiles to which this paragraph applies (“paragraph 19 material”) must be destroyed if it appears to the responsible chief officer of police that—
- (a) the material, or, in the case of a DNA profile, the sample from which the DNA profile was derived, was taken or required to be provided unlawfully, or
  - (b) the material was taken or provided, or, in the case of a DNA profile, was derived from a sample taken, from a person in connection with that person’s arrest under section 27 and the arrest was unlawful or based on mistaken identity.
- (3) In any other case, paragraph 19 material must be destroyed unless it is retained under any power conferred by paragraphs 20 or 22.
- (4) Where the retention of paragraph 19 material ceases to be allowed under paragraph 20 or 22, the material may continue to be retained under any other such power which applies to it.
- (5) Nothing in this paragraph prevents a relevant search, in relation to paragraph 19 material, from being carried out within such time as may reasonably be required for the search if the responsible chief officer of police considers the search to be desirable.
- (6) For the purposes of sub-paragraph (5), a “relevant search” is a search carried out for the purpose of checking the material against—
- (a) other fingerprints or samples taken under paragraph 10 or 12, or a DNA profile derived from such samples,

---

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 19. (See end of Document for details)*

---

- (b) other fingerprints and samples taken under [paragraph 1 of Schedule 12](#), or a DNA profile derived from such samples,
- (c) any of the fingerprints, samples and information mentioned in section 63A(1)(a) and (b) of the Police and Criminal Evidence Act 1984,
- (d) any of the fingerprints, samples and information mentioned in Article 63A(1)(a) and (b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)),
- (e) any of the relevant physical data, samples or information mentioned in section 19C(1) of the Criminal Procedure (Scotland) Act 1995,
- (f) any of the fingerprints, data or samples obtained under or by virtue of paragraphs 10 or 12 of Schedule 8 to the Terrorism Act 2000, or information derived from such samples,
- (g) any of the relevant physical data, samples or information held by virtue of section 56 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#),
- (h) material to which section 18 of the Counter-Terrorism Act 2008 applies,
- (i) any of the fingerprints, data or samples obtained under paragraph 1 or 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or information derived from such samples, and
- (j) any of the fingerprints, data or samples obtained under or by virtue of paragraph 34 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019, or information derived from such samples.

---

**Commencement Information**

- 11** Sch. 6 para. 19 not in force at Royal Assent, see 100(1)
- 12** [Sch. 6 para. 19](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the National Security Act 2023, Paragraph 19.