

STATUTORY INSTRUMENTS

1989 No. 1341

The Police and Criminal Evidence (Northern Ireland) Order 1989

PART VI

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

PROSPECTIVE

[^{F1}Destruction of data relating to persons not convicted

64ZD.—(1) This Article applies to material falling within paragraph (2) relating to a person who—

- (a) has no previous convictions or only one exempt conviction,
- (b) is arrested for or charged with a recordable offence, and
- (c) is aged 18 or over at the time of the alleged offence.

(2) Material falls within this paragraph if it is—

- (a) fingerprints or impressions of footwear taken from the person in connection with the investigation of the offence, or
- (b) a DNA profile derived from a DNA sample so taken.

(3) The material must be destroyed—

- (a) in the case of fingerprints or impressions of footwear, before the end of the period of 6 years beginning with the date on which the fingerprints or impressions were taken,
- (b) in the case of a DNA profile, before the end of the period of 6 years beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).

(4) But if, before the material is required to be destroyed by virtue of this Article, the person is arrested for or charged with a recordable offence the material may be further retained until the end of the period of 6 years beginning with the date of the arrest or charge.

(5) This Article ceases to have effect in relation to the material if the person is convicted of a recordable offence before the material is required to be destroyed by virtue of this Article.]

F1 Arts. 64ZA-64ZN inserted (prosp.) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 15(2)**, 59(1)

Modifications etc. (not altering text)

C1 Art. 64ZD(3) modified (2.4.2020) by [The Coronavirus \(Retention of Fingerprints and DNA Profiles in the Interests of National Security\) Regulations 2020 \(S.I. 2020/391\)](#), regs. 1, **4(3)(b)** (with reg. 5)

Status: Point in time view as at 31/01/2017. This version of this provision is prospective.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 64ZD is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

C2 Art. 64ZD(3) modified (1.10.2020) by The Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No. 2) Regulations 2020 (S.I. 2020/973), regs. 1(1), **4(3)(b)(4)**

Status:

Point in time view as at 31/01/2017. This version of this provision is prospective.

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