

SCHEDULES

SCHEDULE 3

BORDER SECURITY

PART 2

DETENTION

Destruction and retention of fingerprints and samples etc: United Kingdom

- 49 (1) This paragraph applies to—
- (a) samples taken under paragraph 34, or
 - (b) samples taken by virtue of paragraph 42.
- (2) Samples to which this paragraph applies must be destroyed if it appears to the responsible chief officer of police that the taking of the sample was unlawful.
- (3) Subject to this, the rule in sub-paragraph (4) or (as the case may be) (5) applies.
- (4) A DNA sample to which this paragraph applies must be destroyed—
- (a) as soon as a DNA profile has been derived from the sample, or
 - (b) if sooner, before the end of the period of 6 months beginning with the date on which the sample was taken.
- (5) Any other sample to which this paragraph applies must be destroyed before the end of the period of 6 months beginning with the date on which it was taken.
- (6) Nothing in this paragraph prevents a relevant search, in relation to samples to which this paragraph applies, 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.
- (7) In this paragraph “a relevant search” has the meaning given by paragraph 43(6).