

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Chapter 5 of Part 5 of the Protection of Freedoms Act 2012 (“the 2012 Act”) makes provision for a person who has a conviction or caution for a specific offence (in particular in relation to historical offences of buggery and gross indecency between men) to apply to the Department of Justice to have that conviction or caution disregarded. Section 101A of the 2012 Act sets out the circumstances in which such an application will be successful.

This Order, made under section 101D of the 2012 Act, prescribes which records of convictions and cautions, other than the main databases of police and criminal records, are relevant official records which will be deleted should an application for a disregard be successful. These have been identified as court records and any other locally held police records. When an application is successful, section 101D provides that the Department of Justice shall direct the relevant data controller of relevant official records to delete those records. Article 2 of this Order prescribes which official records, in addition to the names databases, are relevant official records for this purpose. Article 3 prescribes the relevant data controllers in relation to those official records. Article 4 makes provision, in accordance with section 101D of the 2012 Act, for certain records to be annotated rather than deleted.

The provisions of this Order come into operation on 28th June 2018.