

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No. 331**

**The Prisons and Young Offenders  
Institutions (Scotland) Rules 2011**

**PART 2**

**RECEPTION, RECORDS, CATEGORISATION AND ALLOCATION**

**Registration and records of prisoners**

**12.**—(1) Where the Governor considers it relevant to the identification and management of a prisoner or to the prevention or detection of crime, the following particulars about a prisoner may be recorded—

- (a) the prisoner's biometric data taken in accordance with paragraph (2);
  - (b) the prisoner's description including any distinctive marks on his or her body;
  - (c) the prisoner's photograph taken in accordance with paragraph (2);
  - (d) details of any next of kin or emergency contacts; and
  - (e) any other personal particulars that are relevant.
- (2) The Governor may take photographs of, and biometric data from, a prisoner.
- (3) Any photograph or biometric data must be destroyed—
- (a) in the case of an untried prisoner, if the prisoner is released before trial or disposal of proceedings or is acquitted after trial and is not further remanded; or
  - (b) in the case of a prisoner who is the subject of extradition, removal or deportation proceedings, if the prisoner successfully defends those proceedings and is released from custody.
- (4) The destruction of any photograph and biometric data must take place as soon as practicable after the occurrence of the relevant event mentioned in paragraph (3) unless—
- (a) the police or procurator fiscal requests the retention or disclosure of a prisoner's photograph or biometric data in connection with any proceedings; or
  - (b) the Governor or the Scottish Ministers consider the retention of the prisoner's photograph, or biometric data to be necessary for the efficient operation of prisons and in such circumstances retention must not exceed 24 months from the date of the prisoner's release.
- (5) The Governor must ensure that information recorded in terms of this rule is recorded, stored, updated, disclosed and destroyed only in accordance with such conditions as may be specified in a direction by the Scottish Ministers.