



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 1

POWERS TO GATHER AND SHARE INFORMATION

Retention and use of fingerprints and samples

VALID FROM 13/08/2020

[^{F1}18A Retention of material: general

- (1) Section 18 material which is not a DNA sample and relates to a person who has no previous convictions or only one exempt conviction may be retained by the law enforcement authority until the end of the retention period specified in subsection (2), but this is subject to subsection (5).
- (2) The retention period is—
 - (a) in the case of fingerprints, the period of 3 years beginning with the date on which the fingerprints were taken, and
 - (b) in the case of a DNA profile, the period of 3 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).
- (3) Section 18 material which is not a DNA sample and relates to a person who has previously been convicted of a recordable offence (other than a single exempt conviction), or is so convicted before the material is required to be destroyed by virtue of this section, may be retained indefinitely.
- (4) Section 18 material which is not a DNA sample may be retained indefinitely if—
 - (a) it is held by the law enforcement authority in a form which does not include information which identifies the person to whom the material relates, and

Status: Point in time view as at 30/08/2018. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 18A. (See end of Document for details)

- (b) the law enforcement authority does not know, and has never known, the identity of the person to whom the material relates.
- (5) In a case where section 18 material is being retained by a law enforcement authority under subsection (4), if—
- (a) the law enforcement authority comes to know the identity of the person to whom the material relates, and
 - (b) the material relates to a person who has no previous convictions or only one exempt conviction,
- the material may be retained by the law enforcement authority until the end of the retention period specified in subsection (6).
- (6) The retention period is the period of 3 years beginning with the date on which the identity of the person to whom the material relates comes to be known by the law enforcement authority.]

Textual Amendments

- F1** Ss. 18-18E substituted for s. 18 (31.10.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 1 para. 4](#) (with s. 97); [S.I. 2013/1814](#), art. 2(k)

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