

*These notes refer to the Terrorism Prevention and Investigation Measures Act 2011 (c.23) which received Royal Assent on 14 December 2011*

# **TERRORISM PREVENTION AND INVESTIGATION MEASURES ACT 2011**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

#### ***Coalition Government's position on the retention of DNA***

17. Following the May 2010 general election, the Coalition Government decided not to commence the sections of the 2010 Act that made provision for retention periods for DNA material and fingerprints taken under various powers. The Government decided instead to adopt the “protections of the Scottish model” in relation to the general rules on destruction and retention of such material. It also decided to introduce further rules in relation to material retained on national security grounds (so that it would be possible to retain such material for a longer period, where necessary). The Protection of Freedoms Bill that is currently before Parliament contains provisions for the retention of material generally and for the purposes of national security, but not in relation to individuals subject to a control order (or, generally, to terrorism prevention and investigation measures). However, further provisions in that Bill establish an independent Commissioner for the Retention and Use of Biometric Material, and the Commissioner will have oversight of material taken under the Act and retained on national security grounds beyond the time by which it would otherwise be required to be destroyed.