

*Status: Point in time view as at 15/12/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Terrorism Prevention and Investigation Measures Act 2011, Cross Heading: Requirement to destroy material. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

#### FINGERPRINTS AND SAMPLES

##### *Requirement to destroy material*

- 6 (1) This paragraph applies to—
- (a) fingerprints taken under paragraph 1,
  - (b) a DNA profile derived from a DNA sample taken under that paragraph,
  - (c) relevant physical data taken or provided under paragraph 4,
  - (d) a DNA profile derived from a DNA sample taken under that paragraph.
- (2) Fingerprints, relevant physical data and DNA profiles to which this paragraph applies (“paragraph 6 material”) must be destroyed if it appears to the responsible chief officer of police that the taking or providing of the material or, in the case of a DNA profile, the taking of the sample from which the DNA profile was derived, was unlawful.
- (3) In any other case, paragraph 6 material must be destroyed unless it is retained under a power conferred by paragraph 8, 9 or 11.
- (4) Paragraph 6 material that ceases to be retained under a power mentioned in subparagraph (3) may continue to be retained under any other such power that applies to it.
- (5) Nothing in this paragraph prevents a relevant search from being carried out, in relation to paragraph 6 material, 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 (1) If fingerprints or relevant physical data are required by paragraph 6 to be destroyed, any copies of the fingerprints or data held by a police force must also be destroyed.
- (2) If a DNA profile is required by that paragraph to be destroyed, no copy may be retained by a police force except in a form which does not include information which identifies the individual to whom the DNA profile relates.

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