



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 1

REGULATION OF BIOMETRIC DATA

CHAPTER 1

DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

Modification of rule for particular circumstances

10 Material given voluntarily

After section 63M of the Police and Criminal Evidence Act 1984 (for which see section 9) insert—

“63N Retention of section 63D material given voluntarily

- (1) This section applies to the following section 63D material—
 - (a) fingerprints taken with the consent of the person from whom they were taken, and
 - (b) a DNA profile derived from a DNA sample taken with the consent of the person from whom the sample was taken.
- (2) Material to which this section applies may be retained until it has fulfilled the purpose for which it was taken or derived.
- (3) Material to which this section applies which relates to—
 - (a) a person who is convicted of a recordable offence, or
 - (b) a person who has previously been convicted of a recordable offence (other than a person who has only one exempt conviction),may be retained indefinitely.

Status: *This is the original version (as it was originally enacted).*

- (4) For the purposes of subsection (3)(b), a conviction is exempt if it is in respect of a recordable offence, other than a qualifying offence, committed when the person is aged under 18.”