

# PROTECTION OF FREEDOMS ACT 2012

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 1: Regulation of biometric data**

#### *Chapter 1: Destruction, retention and use of fingerprints etc.*

#### *Section 24: National DNA Database Strategy Board*

137. **Section 24** inserts new section 63AB into PACE, which provides for the Secretary of State to make arrangements for a National DNA Database Strategy Board. Such a Board already exists, and reports to the Home Secretary, providing strategic oversight of the application of powers under PACE for taking and using DNA. The principal members of the Board are the Association of Chief Police Officers, the Association of Police Authorities (in future, a representative of Police and Crime Commissioners following their election towards the end of 2012) and the Home Office, but there is also an independent element to the Board from non-police bodies such as the Information Commissioner and the National DNA Database Ethics Group. This section puts the Board on a statutory footing and requires the Secretary of State to lay the Board's governance rules and annual reports before Parliament (new section 63AB(8) and (9)).
138. New section 63AB(2) requires the Board to issue guidance to chief officers on the circumstances in which DNA samples and profiles should be removed immediately from the National DNA Database. Chief officers will be required to act in accordance with the Board's guidance (new section 63AB(3)). Following consultation with the Commissioner for the Retention and Use of Biometric Material the Board will also have the power to issue guidance to the police on the making of applications under new section 63G (inserted by section 3) to retain material from those arrested for, but charged with, a qualifying offence (new section 63AB(4) and (5)).