

*These notes refer to the Protection of Freedoms Act
2012 (c.9) which received Royal Assent on 1 May 2012*

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 1: Regulation of biometric data

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

Section 8: Persons given a penalty notice

94. **Section 8** inserts new section 63L into PACE, which provides that, where a person is given a penalty notice under section 2 of the Criminal Justice and Police Act 2001, his or her section 63D material may be retained for two years from the date the material was taken (new section 63L(2)). Where a person opts to be tried for the offence for which the penalty notice was issued, that notice will be disregarded and the rules set out in the previous sections will apply (new section 63L(1)(a)).