

SCHEDULES

SCHEDULE 12

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 **sub-paragraph (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.