

SCHEDULES

SCHEDULE 6

DETENTION UNDER SECTION 27

PART 4

DEALING WITH FINGERPRINTS AND SAMPLES ETC: UNITED KINGDOM

Retention of fingerprints and samples etc: general

- 19 (1) **This paragraph** applies to—
- (a) fingerprints taken under **paragraph 10**,
 - (b) a DNA profile derived from a DNA sample taken under **paragraph 10** or **12**,
 - (c) relevant physical data taken or provided by virtue of **paragraph 18**, and
 - (d) a DNA profile derived from a DNA sample taken or provided by virtue of **paragraph 18**.
- (2) Fingerprints, relevant physical data and DNA profiles to which **this paragraph** applies (“**paragraph 19** material”) must be destroyed if it appears to the responsible chief officer of police that—
- (a) the material, or, in the case of a DNA profile, the sample from which the DNA profile was derived, was taken or required to be provided unlawfully, or
 - (b) the material was taken or provided, or, in the case of a DNA profile, was derived from a sample taken, from a person in connection with that person’s arrest under **section 27** and the arrest was unlawful or based on mistaken identity.
- (3) In any other case, **paragraph 19** material must be destroyed unless it is retained under any power conferred by **paragraphs 20** or **22**.
- (4) Where the retention of **paragraph 19** material ceases to be allowed under **paragraph 20** or **22**, the material may continue to be retained under any other such power which applies to it.
- (5) Nothing in **this paragraph** prevents a relevant search, in relation to **paragraph 19** material, from being carried out within such time as may reasonably be required for the search if the responsible chief officer of police considers the search to be desirable.
- (6) For the purposes of **sub-paragraph (5)**, a “relevant search” is a search carried out for the purpose of checking the material against—
- (a) other fingerprints or samples taken under **paragraph 10** or **12**, or a DNA profile derived from such samples,

Status: This is the original version (as it was originally enacted).

- (b) other fingerprints and samples taken under [paragraph 1 of Schedule 12](#), or a DNA profile derived from such samples,
- (c) any of the fingerprints, samples and information mentioned in section 63A(1)(a) and (b) of the Police and Criminal Evidence Act 1984,
- (d) any of the fingerprints, samples and information mentioned in Article 63A(1)(a) and (b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)),
- (e) any of the relevant physical data, samples or information mentioned in section 19C(1) of the Criminal Procedure (Scotland) Act 1995,
- (f) any of the fingerprints, data or samples obtained under or by virtue of paragraphs 10 or 12 of Schedule 8 to the Terrorism Act 2000, or information derived from such samples,
- (g) any of the relevant physical data, samples or information held by virtue of section 56 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#),
- (h) material to which section 18 of the Counter-Terrorism Act 2008 applies,
- (i) any of the fingerprints, data or samples obtained under paragraph 1 or 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or information derived from such samples, and
- (j) any of the fingerprints, data or samples obtained under or by virtue of paragraph 34 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019, or information derived from such samples.