

2022 No. 1022

POLICE

The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2022

<i>Made</i> - - - -	<i>5th October 2022</i>
<i>Laid before Parliament</i>	<i>6th October 2022</i>
<i>Coming into force</i> - -	<i>30th October 2022</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 25(1) of the Protection of Freedoms Act 2012(a).

Citation, commencement and extent

1. This Order may be cited as the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2022 and comes into force on 30th October 2022.

2. This Order extends to England and Wales, Scotland and Northern Ireland.

Amendment of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013

3.—(1) The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory, and Saving Provisions) Order 2013(b) is amended as follows.

(2) In article 7A (Northern Ireland material), for “2022” substitute “2024”.

Revocations

4.—(1) The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2018(c) is revoked.

(2) The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2020(d) is revoked.

(a) 2012 c. 9.

(b) S.I. 2013/1813, amended by S.I. 2015/1739, 2016/682, 2018/657 and 2020/688; there are other amending instruments, but none is relevant.

(c) S.I. 2018/657.

(d) S.I. 2020/688.

5th October 2022

Steve Baker
Minister of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends by two years the duration of transitional provisions for Northern Ireland in connection with the coming into force of Chapter 1 of Part 1 of the Protection of Freedoms Act 2012 (c. 9) (“the Act”) (destruction, retention and use of biometric data).

Articles 7, 7A and 7B of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013 (S.I. 2013/1813) (“the 2013 Order”) provide that material taken, held or (in the case of a DNA profile) derived from a sample taken in Northern Ireland, under the Terrorism Act 2000 (c. 11), the Counter-Terrorism Act 2008 (c. 28) or the Terrorism Prevention and Investigation Measures Act 2011 (c. 23) before the coming into force of Chapter 1 of Part 1 of the Act (“pre commencement material”) is not subject to the relevant destruction requirements contained in Schedule 1 to the Act until 31st October 2022.

Article 2 of this Order amends article 7A of the 2013 Order. This extends by two years the transitional period in respect of Northern Ireland pre-commencement material, with the effect that such material is not subject to the destruction requirements contained in Schedule 1 to the Act until 31st October 2024.

This Order revokes the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2018 (S.I. 2018/657) and the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) (Amendment) Order 2020 (S.I. 2020/688).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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