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STATUTORY INSTRUMENTS

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**2013 No. 2580**

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

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

3. After article 2 insert the following article—

“**2A.** Notwithstanding the insertion by section 1 of the Act of section 63D(2)(a) of the Police and Criminal Evidence Act 1984<sup>(1)</sup>, any fingerprints which were taken, and any DNA profile which was derived from a sample taken, before 31st October 2013 may be retained if they were taken from a person who—

- (a) was convicted of a recordable offence (other than an excluded offence within the meaning of section 63F(11) of that Act); and
- (b) at the time the fingerprints or sample were taken, gave purported consent to them being taken.”

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(1) Section 63D was inserted by section 1 of the Protection of Freedoms Act 2012.