



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 1

REGULATION OF BIOMETRIC DATA

CHAPTER 1

DESTRUCTION, RETENTION AND USE OF FINGERPRINTS ETC.

Modification of rule for particular circumstances

4 Persons arrested for or charged with a minor offence

After section 63G of the Police and Criminal Evidence Act 1984 (for which see section 3) insert—

“63H Retention of section 63D material: persons arrested for or charged with a minor offence

- (1) This section applies to section 63D material which—
- (a) relates to a person who—
 - (i) is arrested for or charged with a recordable offence other than a qualifying offence,
 - (ii) if arrested for or charged with more than one offence arising out of a single course of action, is not also arrested for or charged with a qualifying offence, and
 - (iii) is not convicted of the offence or offences in respect of which the person is arrested or charged, and
 - (b) was taken (or, in the case of a DNA profile, derived from a sample taken) in connection with the investigation of the offence or offences in respect of which the person is arrested or charged.

Status: *This is the original version (as it was originally enacted).*

- (2) If the person has previously been convicted of a recordable offence which is not an excluded offence, the material may be retained indefinitely.
- (3) In this section “excluded offence” has the meaning given by section [63F\(11\)](#).”