



# 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*

#### 11 Material retained with consent

After section 63N of the Police and Criminal Evidence Act 1984 (for which see section 10) insert—

##### **“63O Retention of section 63D material with consent**

- (1) This section applies to the following material—
  - (a) fingerprints (other than fingerprints taken under section 61(6A)) to which section 63D applies, and
  - (b) a DNA profile to which section 63D applies.
- (2) If the person to whom the material relates consents to material to which this section applies being retained, the material may be retained for as long as that person consents to it being retained.
- (3) Consent given under this section—
  - (a) must be in writing, and
  - (b) can be withdrawn at any time.”

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**Changes to legislation:** Protection of Freedoms Act 2012, Section 11 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### **Commencement Information**

- II** S. 11 in force at 31.10.2013 by [S.I. 2013/1814](#), **art. 2(a)** (with transitional provisions and savings in [S.I. 2013/1813](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)