



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

### CHAPTER 4

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC.

#### *Effect of disregard*

#### **95 Effect of disregard on police and other records**

- (1) The Secretary of State must by notice direct the relevant data controller to delete details, contained in relevant official records, of a disregarded conviction or caution.
- (2) A notice under subsection (1) may be given at any time after condition A in section 92 is met but no deletion may have effect before condition B in that section is met.
- (3) Subject to that, the relevant data controller must delete the details as soon as reasonably practicable.
- (4) Having done so, the relevant data controller must give notice to the person who has the disregarded conviction or caution that the details of it have been deleted.
- (5) In this section—
  - “delete”, in relation to such relevant official records as may be prescribed, means record with the details of the conviction or caution concerned—
    - (a) the fact that it is a disregarded conviction or caution, and
    - (b) the effect of it being such a conviction or caution,
  - “the names database” means the names database held by the National Policing Improvement Agency for the use of constables,

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*Status: This is the original version (as it was originally enacted).*

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“official records” means records containing information about persons convicted of, or cautioned for, offences and kept by any court, police force, government department or local or other public authority in England and Wales for the purposes of its functions,

“prescribed” means prescribed by order of the Secretary of State,

“relevant data controller” means—

- (a) in relation to the names database, any chief officer of police of a police force in England and Wales who is a data controller in relation to the details concerned,
- (b) in relation to other relevant official records, such person as may be prescribed,

“relevant official records” means—

- (a) the names database, and
- (b) such other official records as may be prescribed.

(6) An order under this section—

- (a) may make different provision for different purposes,
- (b) is to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.