SCHEDULES

SCHEDULE 2

RETENTION OF BIOMETRIC DATA FOR COUNTER-TERRORISM PURPOSES ETC

Counter-Terrorism Act 2008

12 The Counter-Terrorism Act 2008 is amended as follows.

Commencement Information
I1 Sch. 2 para. 12 in force at 13.8.2020 by S.I. 2020/792, **reg. 2(e)**

13 (1) Section 18B (retention for purposes of national security) is amended as follows.

(2) In subsection (1) after "responsible officer" insert " , or by a chief officer of police, ".

(3) In subsection (2) after "responsible officer" insert " , or a chief officer of police, ".

(4) In subsection (3)(b) for "2 years" substitute " 5 years ".

(5) After subsection (3) insert—

"(4) In this section "chief officer of police" means a person other than the responsible officer who is—
(a) the chief officer of police of a police force in England and Wales, or
(b) the Chief Constable of the Police Service of Northern Ireland."

Commencement Information
I2 Sch. 2 para. 13 in force at 13.8.2020 by S.I. 2020/792, **reg. 2(e)**

14 After section 18B insert—

"**18BA Retention of further fingerprints**

(1) This section applies where section 18 material is or includes a person's fingerprints ("the original fingerprints").

(2) An appropriate officer may make a determination under this section in respect of any further fingerprints taken from the same person ("the further fingerprints") if conditions 1 and 2 are met.

(3) Condition 1 is met if the further fingerprints—
(a) are section 18 material, or
(b) are taken under—
(i) Part 5 of the Police and Criminal Evidence Act 1984,

(ii) Article 61 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),

(iii) paragraph 10 of Schedule 8 to the Terrorism Act 2000,

(iv) paragraph 1 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or

(v) paragraph 34 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

(4) Condition 2 is met if both the original fingerprints and the further fingerprints—

(a) are held by a law enforcement authority under the law of England and Wales, or

(b) are held by a law enforcement authority under the law of Northern Ireland.

(5) Where a determination under this section is made in respect of the further fingerprints—

(a) the further fingerprints may be retained for as long as the original fingerprints are retained under a power conferred by section 18A or 18B, and

(b) a requirement under any enactment to destroy the further fingerprints does not apply for as long as their retention is authorised by paragraph (a).

(6) Subsection (5)(a) does not prevent the further fingerprints being retained after the original fingerprints fall to be destroyed if the continued retention of the further fingerprints is authorised under any enactment.

(7) A written record must be made of a determination under this section.

(8) In this section—

"appropriate officer" means—

(a) a constable, or

(b) an officer of Revenue and Customs who is not below such grade as is designated for the purposes of this section by the Commissioners for Her Majesty's Revenue and Customers;

"enactment" includes an enactment comprised in, or in an instrument made under, Northern Ireland legislation."

Commencement Information

I3 Sch. 2 para. 14 in force at 13.8.2020 by S.I. 2020/792, **reg. 2(e)**

Changes to legislation:
There are currently no known outstanding effects for the Counter-Terrorism and Border Security Act 2019, Cross Heading: Counter-Terrorism Act 2008.