

SCHEDULES

SCHEDULE 2

RETENTION OF BIOMETRIC DATA FOR COUNTER-TERRORISM PURPOSES ETC

Protection of Freedoms Act 2012

20 After paragraph 7 insert—

“7A (1) This paragraph applies where—

- (a) fingerprints to which paragraph 7 applies have been taken from a person (“the original fingerprints”), and
 - (b) a national security determination under that paragraph is made in relation to the original fingerprints.
- (2) A constable may make a determination under this paragraph in respect of any further fingerprints taken from the same person (“the further fingerprints”) if condition 1 or condition 2 is met.
- (3) Condition 1 is met if—
- (a) the further fingerprints are fingerprints to which paragraph 7 applies, and
 - (b) the further fingerprints or the original fingerprints were taken in connection with a terrorist investigation, as defined by section 32 of the Terrorism Act 2000.
- (4) Condition 2 is met if the further fingerprints were taken from the person in Northern Ireland under—
- (a) paragraph 10 of Schedule 8 to the Terrorism Act 2000,
 - (b) paragraph 1 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or
 - (c) paragraph 34 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.
- (5) Where a determination under this paragraph is made in respect of the further fingerprints—
- (a) the national security determination made in relation to the original fingerprints also applies in relation to the further fingerprints, and
 - (b) a requirement under any enactment to destroy the further fingerprints does not apply for as long as the national security determination has effect.
- (6) A written record must be made of a determination under this paragraph.
- (7) In this paragraph “enactment” includes an enactment comprised in, or in an instrument made under, Northern Ireland legislation.”