



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 2

#### PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

### CHAPTER 4

#### OTHER PROVISIONS

##### *Non-criminal hate incidents*

#### **60 Code of practice relating to non-criminal hate incidents**

- (1) The Secretary of State may issue a code of practice about the processing by a relevant person of personal data relating to a hate incident.
- (2) In this section “hate incident” means an incident or alleged incident which involves or is alleged to involve an act by a person (“the alleged perpetrator”) which is perceived by a person other than the alleged perpetrator to be motivated (wholly or partly) by hostility or prejudice towards persons with a particular characteristic.
- (3) The provision that may be made by a code of practice under this section includes, in particular, provision about—
  - (a) whether and how personal data relating to a hate incident should be recorded;
  - (b) the persons who are to process such personal data;
  - (c) the circumstances in which a data subject should be notified of the processing of such personal data;
  - (d) the retention of such personal data, including the period for which it should be retained and the circumstances in which and the procedures by which that period might be changed;

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*Status: This is the original version (as it was originally enacted).*

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- (e) the consideration by a relevant person of requests by the data subject relating to such personal data.
- (4) But a code of practice under this section must not make provision about—
- (a) the processing of personal data for the purposes of a criminal investigation, or
  - (b) the processing of personal data relating to the alleged perpetrator of a hate incident at any time after they have been charged with an offence relating to the hate incident.
- (5) A code of practice under this section may make different provision for different purposes.
- (6) A relevant person must have regard to the code of practice that is for the time being in force under this section in processing personal data relating to a hate incident.
- (7) In this section—
- “data subject” has the meaning given by section 3(5) of the Data Protection Act 2018;
  - “personal data” has the meaning given by section 3(2) of that Act;
  - “processing” has the meaning given by section 3(4) of that Act.
- (8) In this section “relevant person” means—
- (a) a member of a police force in England and Wales,
  - (b) a special constable appointed under section 27 of the Police Act 1996,
  - (c) a member of staff appointed by the chief officer of police of a police force in England and Wales,
  - (d) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002,
  - (e) an employee of the Common Council of the City of London who is under the direction and control of a chief officer of police,
  - (f) a constable of the British Transport Police Force,
  - (g) a special constable of the British Transport Police Force appointed under section 25 of the Railways and Transport Safety Act 2003,
  - (h) an employee of the British Transport Police Authority appointed under section 27 of that Act,
  - (i) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002 as applied by section 28 of the Railways and Transport Safety Act 2003, or
  - (j) a National Crime Agency officer.

## **61 Further provision about a code of practice under section 60**

- (1) The Secretary of State may not issue a code of practice under section 60 unless a draft of the code has been laid before and approved by a resolution of each House of Parliament.
- (2) The Secretary of State may from time to time revise and reissue a code of practice under section 60.
- (3) Before reissuing a code of practice the Secretary of State must lay a draft of the code as proposed to be reissued before Parliament.

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

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- (4) If, within the 40-day period, either House of Parliament resolves not to approve the code of practice laid under subsection (3)—
  - (a) the code is not to be reissued, and
  - (b) the Secretary of State may prepare another code.
- (5) If no such resolution is passed within the 40-day period, the Secretary of State may reissue the code of practice.
- (6) In this section “the 40-day period” means—
  - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
  - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (7) In calculating the 40-day period no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.