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STATUTORY INSTRUMENTS

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**2020 No. 1408**

The Law Enforcement and Security (Separation  
Issues etc.) (EU Exit) Regulations 2020

PART 2

Amendments of the Law Enforcement and Security  
(Amendment) (EU Exit) Regulations 2019

CHAPTER 14

Prüm - Exchange of Data Relating to DNA

**Revocation of the Prüm Decision and related Council Decisions- information received before commencement day**

**33.** In regulation 115 (revocation of the Prüm Decision and related Council Decisions), after “revoked” insert “(but see Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act)”.

**Transitional provision**

**34.** After regulation 117 (revocation of Council Implementing Decisions) insert—

**“Transitional provision – DNA profiles supplied before commencement day**

**117A.** Despite the revocations made in regulations 115 to 117 the following provisions of the Prüm Decision continue to have effect—

- (a) Article 5 (supply of further personal data and other information) in relation to the supply by the United Kingdom of further personal data and other information in relation to matches shown under Article 3 or 4 of the Prüm Decision before commencement day;
- (b) Article 7 (collection of cellular material and supply of DNA profiles) in relation to DNA profiles obtained by the United Kingdom before commencement day which were not supplied to the requesting Member State prior to commencement day;
- (c) paragraph 1 of Article 6 (national contact point and implementing measures) so far as it is relevant to paragraphs (a) or (b).

**Saving provision – information received before commencement day**

**117B.—(1)** This regulation applies in relation to DNA profiles and personal data received by the United Kingdom before commencement day (and see Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act).

(2) Subject to the modifications in paragraph (3), with the exception of Article 25, Chapter 6 of the Prüm Decision continues to have effect in relation to the data referred to in paragraph (1).

(3) The Prüm Decision applies with the following modifications—

- (a) Article 26 is to be read as if—
  - (i) in paragraph 1—
    - (aa) “by the receiving Member State” were omitted;
    - (ab) the words from “and subject only to” to the end were omitted;
  - (ii) in paragraph 2, “by the searching or comparing Member State” were omitted;
  - (iii) in the text after paragraph 2(c), for “The Member State administering the file may process the data supplied to it”, substitute “The data supplied may be processed”;
- (b) Article 27 is to be read as if “and in compliance with the law of the receiving Member State” were omitted;
- (c) paragraph 1 of Article 28 is to be read as if—
  - (i) the first sentence were omitted;
  - (ii) after “have been supplied”, there were inserted “by the authorities in the United Kingdom”;
  - (iii) for “The Member State or Member States concerned shall be obliged to correct or delete the data”, substitute “The authorities in the United Kingdom shall be obliged to correct or delete any data in respect of which the supplying Member State has made such a notification”;
- (d) paragraph 2 of Article 28 is to be read as if—
  - (i) “, in accordance with the national law of the Member States,” were omitted;
  - (ii) “subject to the national law of the Member States and” were omitted;
- (e) paragraph 1 of Article 30 is to be read as if the first sentence were “In order to verify the admissibility of the supply, the authorities in the United Kingdom shall log every non-automated supply of personal data by the body administering the file and every non-automated receipt of personal data by the searching body.”;
- (f) paragraph 2 of Article 30 is to be read as if—
  - (i) “other” were omitted from paragraph (a);
  - (ii) in paragraph (b), for “each Member State” substitute “the United Kingdom”;
- (g) Article 32 is to be read as if, for “The receiving Member State” substitute “The authorities in the United Kingdom”.