
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for extension of the time limits that apply to the retention of certain fingerprints or DNA profiles. The Regulations apply in respect of fingerprints or DNA profiles that are retained under certain counter-terrorism provisions, or that may otherwise be relevant to the interests of national security.

These Regulations are the second set of Regulations made using the powers conferred by section 24 of the Coronavirus Act 2020 (c. 7). The Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) Regulations 2020 (S.I. 2020/391) (“the first retention Regulations”) provided for an extension of the retention time limits for six months.

These Regulations apply only to fingerprints or DNA profiles that would (ignoring the effect of these Regulations) fall to be destroyed in the period that starts with 1st October 2020 and ends with 24th March 2021. The period ends with 24th March 2021 in order to satisfy the condition found in section 24(5) of the Coronavirus Act 2020.

Regulation 2 makes provision in respect of fingerprints or DNA profiles that are retained in accordance with a national security determination. Paragraph (3) provides for the continued retention of fingerprints or DNA profiles under the national security determination for a further period of six months. Paragraph (4) confirms that regulation 2 applies to a national security determination the effect of which was extended in accordance with regulation 2 of the first retention Regulations (extension of the effect of a national security determination).

Regulation 3 makes provision in respect of fingerprints or DNA profiles that are retained under a statutory retention period. Paragraph (4) provides that the fingerprints or DNA profiles may be retained under that retention period for a further period of six months. Paragraph (5) confirms that regulation 3 applies to a retention period that was extended in accordance with regulation 3 of the first retention Regulations (extension of a current statutory retention period).

Regulation 4 makes provision in respect of fingerprints or DNA profiles that are currently retained and in respect of which a requirement to destroy would arise under certain provisions. Paragraph (4) provides that the fingerprints or DNA profiles may be retained for a further period of six months. Paragraph (5) confirms that regulation 4 applies to fingerprints and DNA profiles that have been retained for a further period in accordance with regulation 4 of the first retention Regulations (retention in advance of a requirement to destroy).

Regulation 5 provides the meaning of the national security retention condition, which is used in regulations 3 and 4. It provides that fingerprints or DNA profiles are retained in the interests of national security if a constable or a civilian staff member of a police force has notified the controller of the fingerprints and DNA profiles that they may be relevant to the interests of national security.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.