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STATUTORY INSTRUMENTS

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**2020 No. 973**

**The Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No. 2) Regulations 2020**

**Retention in advance of a requirement to destroy**

4.—(1) Paragraph (4) applies in respect of fingerprints or DNA profiles that satisfy the conditions in paragraphs (2) and (3).

(2) The first condition is that the fingerprints or DNA profiles satisfy the national security retention condition (see regulation 5).

(3) The second condition is that the fingerprints or DNA profiles must (ignoring the effect of these Regulations) be destroyed under any of the following provisions on a date during the period that starts with 1st October 2020 and ends with 24th March 2021—

- (a) section 18(3) of the Criminal Procedure (Scotland) Act 1995 (destruction of relevant physical data)(1);
- (b) Article 64(3), 64ZB(2), 64ZC(3), 64ZD(3), 64ZE(3), 64ZF(3), 64ZG(3) or 64ZH(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (destruction of fingerprints and samples)(2).

(4) The fingerprints or DNA profiles may be retained for a further period of six months starting with the date on which the requirement to destroy the fingerprints or DNA profiles would otherwise have arisen.

(5) In the case of fingerprints or DNA profiles retained for a further period in accordance with regulation 4 of the first retention Regulations (retention in advance of a requirement to destroy), the relevant date for the purposes of paragraph (3) of this regulation is the day after the final day of that further period.

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(1) 1995 c. 46. Section 18(3) was subject to relevant amendment by section 19 of, and paragraph 6 of Schedule 1 to, the Protection of Freedoms Act 2012.

(2) S.I. 1341/1989 (N.I. 12). Articles 64ZB-64ZH were inserted by section 15(2) of the Crime and Security Act 2010 (c. 17).