



Department of
Justice
www.justice-ni.gov.uk



We are thinking about changing the law that allows records to be kept of DNA and fingerprints in Northern Ireland

Have your say!

What it's all about!

The current law in Northern Ireland says that if the Police Service of Northern Ireland (PSNI) take your DNA (your genetic code) or fingerprints in connection with an offence that could result in a prison sentence (a recordable offence), they can keep your DNA/fingerprints forever.

In recent years the European Court of Human Rights (ECHR) looked at a number of cases and recommended that there should be rules made about how long this information should be kept.

This means we **MUST** change the law to let the ECHR know that we have listened to what they have suggested.

We are you to help us make decisions about how long the PSNI should be allowed to keep DNA and fingerprints for. This paper asks you a number of questions so that we can get your views.

The ECHR recommended that the length of time for keeping DNA and fingerprints should be based on how serious the crime is.

We suggest keeping DNA and fingerprints for the following time limits:

- 75 years for convictions for a qualifying offence (this is an offence for a very serious crime like terrorism or serious violence).
- 50 years for adult convictions that are not as serious, but can still result in a prison sentence.
- 25 years for 2 or more juvenile (that's under 18) convictions that would result in a prison sentence of no more than 5 years.

For young people, it is important to know that if you commit an offence that results in a prison sentence of more than 5 years, then your DNA and fingerprints will be held for 50 years.

The time limits we are suggesting are the maximum times that we will hold the information for. We will also be suggesting a review process that should take place during the years that the information is being held.

Now for some Questions!

Q1. Do you agree/disagree with the proposal that the law needs to change ?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q2. Do you agree with the suggested maximum periods DNA and fingerprints of convicted people should be kept?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q3. Do you agree that our suggestions are reasonable?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q4. Do you agree that the suggestions comply with the decisions taken by the European Court of Human Rights on the storage of DNA and fingerprints ?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q5. Do you agree that holding this information should be subject to a review during the time it is held?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q6. Do you have any other comments? (250 words)

We mentioned having a review of the information being held – we want to make it law. If we do this, the law will explain the following:

- When the reviews will happen;
- What details will be considered;
- Who will carry out the review;
- How it will be carried out; and
- How people can ask for a review of their data that is held.

To make this law it will mean us making a different law called a 'Regulation', which we will also need to get peoples' views on – but for now we would like to get your opinion on whether the review should be made a law.

More Questions!

Q7. Do you agree/disagree with the suggestion that a review is necessary?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q8. Do you agree/disagree with the suggestion to make it the law that a review should be carried out?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q9. Do you have any other views on a review? (250 words).

Crimes Outside the United Kingdom (UK)

There is just a little bit more information that we have to consider. Should a conviction for a crime that was committed outside of the UK be a reason for the PSNI to keep DNA and fingerprints for a crime committed in Northern Ireland?

Crimes don't just happen inside the UK. Many of today's crimes (like drugs, fraud, cyber-crime and human trafficking) mean that many UK citizens can be convicted of offences outside of the UK.

We want to make sure that ALL convictions, even those outside of the UK, can be considered when deciding how long to keep DNA and fingerprints in Northern Ireland.

We are suggesting that DNA and fingerprints will be held under a simpler version of the time limits in our first section.

This is because It is hard to separate recordable and qualifying convictions (we explained these earlier) so we intend to keep data from recordable offences in convictions outside the UK.

These are a maximum retention period of:

- 50 years for adult convictions
- 25 years for under 18s convictions

for offences committed outside the UK.

A Few More Questions!

Q10. Do you agree/disagree that a conviction outside the UK should be taken into account in keeping DNA and fingerprints in Northern Ireland?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q11. Do you agree/disagree with the proposed maximum time limits for DNA/fingerprints on the basis of convictions outside the UK?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q12. Do you agree/disagree that keeping information for recordable offences is at the right level?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q13. Do you agree/disagree that keeping information like this should be reviewed regularly?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q14. Do you have any more comments? (250 words)

Left on Books – keeping this DNA/fingerprint information.

'Left on books' is when the Public Prosecution Service (PPS), (the people who take cases through the courts), make an agreement with the judge that they won't go ahead with the charge right now, but it should be 'left on books' (normally because there are other crimes that the person is being prosecuted for) – which means the PPS could bring the case back to court if the person offends again.

We may need to make new laws which allow the PSNI to hold this information for a suitable length of time. We suggest that the DNA and fingerprint information from 'left on books' cases is kept for 12 months from the date a judge made the decision.

Questions! Questions! Questions!

Q15. Do you agree/disagree with the suggestion that 'Left on Books' cases should also have a limit on how long the information can be held??

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q16. Do you have anything else to say? (250 words)

The Commissioner

Northern Ireland doesn't have a Commissioner for the Retention of Biometric Material. This is a person who has to make sure that everyone is doing things right, and is sticking to the law.

We want to give the Commissioner the important job of keeping an eye on how DNA and fingerprints are gathered, used and kept. This person would not be part of the Department of Justice or PSNI. We also want to make it the law for the Commissioner to provide a report every year to tell everyone about all the work that has been done, and whether the DNA and fingerprint information is being held and kept correctly.

Last Question – Promise!

Q17. Do you agree/disagree that the NI Commissioner for the Retention of Biometric Material (the Commissioner) should been given the job of looking after the whole DNA/fingerprint process, including keeping it all under review?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q18. Do you agree/disagree that the proposed oversight function will fit with the existing arrangements currently in place to oversee the work of the PSNI?

Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree

Q19. Do you have any other comments? (250 words)

You can provide your answers to our questions online by accessing the full version of this document online at:

<https://consultations.nidirect.gov.uk/doj-policing-community-safety-partnerships/retention-of-dna-and-fingerprints-ni>

or you can email your answers to:

PPHR.Consultations@justice-ni.x.gsi.gov.uk

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