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Policing Policy & Strategy Division

7 May 2009

Dear Sir / Madam,

PUBLIC CONSULTATION - KEEPING THE RIGHT PEOPLE ON THE DNA DATABASE

This letter is to inform you of the commencement of a public consultation process on Government proposals for a new retention policy in respect of DNA samples/profiles and fingerprints.

2. On 4 December 2008, the European Court of Human Rights (ECtHR) delivered its judgment in the case of *S and Marper*, two applicants who sought the destruction of their DNA and fingerprints after being acquitted or the charges against them not being proceeded with. The ECtHR found that the blanket policy in England and Wales of retaining indefinitely the fingerprints and DNA of all people who have been arrested but not convicted was taken in breach of Article 8 of the European Convention on Human Rights. Similar legislative provision applies in Northern Ireland.

3. The Home Office consultation paper sets out the Government's proposals which will remove the current "blanket" retention policy and replace it with a retention framework which in the words of the judgment, will "discriminate between different kinds of case and for the application of strictly defined storage periods for data". It is the intention that the proposed retention policy outlined within the Home Office paper will apply in Northern Ireland and any references to the Police and Criminal Evidence Act 1984 within the document should be read as applying equally to the Police and Criminal Evidence (Northern Ireland) Order 1989.

4. The consultation paper can be downloaded from the current consultation link of the Northern Ireland Office webpage at www.nio.gov.uk. or alternatively

from the Home Office link at <http://www.homeoffice.gov.uk/about-us/haveyoursay/current-consultations/> A hard copy can be obtained on request, by e-mailing policepowers@nio.x.gsi.gov.uk or telephoning the above number.

5. Responses should be submitted directly to the Home Office by e-mail to: DNAconsultation@homeoffice.gsi.gov.uk or by post to -

Alan Brown
DNA Consultation
Home Office
Policing Powers and Protection Unit
4th Floor Peel NW
2 Marsham Street
London
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6. The consultation closes on 7 August 2009.

Policing Powers and Custody Branch
Northern Ireland Office