A consultation on the Review Mechanism for the DNA and Fingerprint Retention Framework (Part 6 of the Police and Criminal Evidence (NI) Order 1989)

This consultation begins on 12 November 2026

This consultation ends on 3 February 2027

Department of Justice
Safer Communities Directorate



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1. Introduction

1.1. The Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) provides the legal basis for the Police Service of Northern Ireland (PSNI) to take, retain and delete DNA profiles and fingerprints.

1.2. The Department of Justice has taken forward legislation (Justice Bill (NI) 2026) to introduce a new DNA and fingerprints retention framework for Northern Ireland. The new framework replaces existing indefinite retention arrangements with maximum retention periods (75/50/25 years) based on the nature/seriousness of the offence, the age of the person concerned, criminal history, and whether the person is convicted or not convicted.

1.3. The new arrangements aim to support the prevention and detection of crime, whilst also maintaining compliance with the European Court of Human Rights judgments in the cases of *S and Marper v UK* and *Gaughran v UK*.

1.4. In addition to the introduction of maximum retention periods, the legislation will introduce a review process that would require the PSNI to consider whether there is still a need to retain an individual's DNA profiles and fingerprints part-way through the maximum retention period.

1.5. This consultation seeks views on the Department's review proposals.

Why is a review process needed?

1.6. The new retention framework for Northern Ireland includes maximum retention periods (75/50/25 years). The Department considers that there should be safeguards to make sure DNA profiles and fingerprints are not kept for longer than necessary. The Department's review mechanism proposals would help make sure this happens.

1.7. The review mechanism proposals will also address the judgment in the case of *Gaughran v UK* which made specific reference to the need to avoid the retention of DNA and fingerprints without any real possibility of review.

1.8. The Justice Bill (NI) 2026 therefore includes powers for the Department to introduce regulations requiring the PSNI to review whether there is still a need to retain an individual's DNA profile and fingerprints part-way through a 75/5025 maximum retention period. The review mechanism will be taken forward by secondary legislation in order to provide the flexibility to amend arrangements if required to meet future requirements.

1.9. The proposed arrangements have been developed with input from:

- the Northern Ireland Human Rights Commission;
- the Northern Ireland Commissioner for Children and Young People;
- the Information Commissioner;
- the Departmental Solicitor's Office; and
- the PSNI.

Monitoring and Further Updates

1.10. The Northern Ireland Biometrics Commissioner will have independent oversight of the DNA and fingerprints retention framework for Northern Ireland, including the operation of the review mechanism. The Commissioner will provide an annual report and advice to the Department on the biometrics legislation.

2. Policy Proposals

2.1. The Department is proposing a review mechanism to ensure that DNA profiles and fingerprints can be retained to support the prevention and detection of crime and the protection of the public, while ensuring that they are not retained for longer than is necessary or proportionate. Full details of the Department's proposals are available at:

https://www.justice-ni.gov.uk/consultations/consultation-review-mechanism-dna-and-fingerprint-retention-framework-part-6-police-and-criminal-evidence-ni-order-1989

2.2. The proposals involve review dates for each 75/50/25 retention band, with consideration also being given to the age of the person, as well as the disposal imposed on the person. The proposed review dates are available at **Annex A**.

2.3. The benefit of this approach is that the disposal will have been determined by the PSNI / Public Prosecution Service / Judge (as appropriate), who will have considered the seriousness of the offence, previous offending behaviour and any aggravating / mitigating factors relevant to the offender and the particular offence(s).

2.4. At the appropriate review date, the PSNI will be required to consider whether there remains a reason to retain the individual's DNA profile and fingerprints. In general, the DNA profile and fingerprints will be deleted unless there is a reason for continued retention such as:

- investigation of crime;
- prevention of crime; or
- public safety.

2.5. The PSNI will also be required to consider relevant information such as whether:

- the person is currently the subject of an investigation;

- the person is subject to relevant notification or protection/prevention orders;
- there is evidence of ongoing criminality;
- the person is risk managed under Public Protection Arrangements Northern Ireland;
- there are public protection concerns; or
- the impact of continued retention on the individual.

Requesting a review

2.6. The Department proposes that individuals should be able to ask the PSNI to review the continued retention of their DNA profiles and fingerprints. Requests could be made at any time and the PSNI will be required to consider each request on its individual merits.

2.7. However, in certain circumstances a review may be deferred[1]. For example, where the applicable review date has not yet been reached, there is an ongoing investigation, or the person is subject to a notification order under the pieces of legislation[2] listed under new Article 63S of PACE NI.

2.8. The Department considers that it is important to have a statutory minimum retention period before a review can take place. This is due to the reasonable expectation that if DNA and fingerprints can be lawfully retained, they should be held for some period of time to be of value in its law enforcement purpose.

2.9. The proposed review dates therefore represent the earliest point at which the retention of DNA profiles and fingerprints may be assessed under the review process. Where the applicable review date has not yet been reached, a request for a review may be deferred until the review date.

Reconsideration of decisions

2.10. Where an individual is dissatisfied with a decision to retain their DNA profile or fingerprints, they will be able to request that the PSNI reconsiders the decision.

2.11. The reconsideration process is intended to provide an additional safeguard by ensuring that decisions to continue to retain DNA profiles and fingerprints can be reviewed independently by a more senior PSNI officer(s)/member(s) of staff, who had no prior involvement in the original decision. This will ensure procedural independence.

[1] A request for a review will not be deferred if an application is made on grounds of material taken unlawfully, no crime committed, proven alibi, incorrect disposal, unlawful arrest, mistaken identity, judicial recommendation, or another person convicted of the offence.

[2] Part 2 of the Sexual Offences Act 2003, Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015, Part 8 of the Justice Act (NI) 2015, or Articles 6-16 of the Protection from Stalking Act (NI) 2022.

The reconsideration process should be carried out by the PSNI, as they are the data owners and are best placed to make a decision on the need to continue to retain the material for policing purposes. The outcome will be provided to the applicant in writing.

Role of the Northern Ireland Biometrics Commissioner

2.12. If a person remains dissatisfied after the review and reconsideration processes have been completed, they will be able to raise a complaint with the Northern Ireland Biometrics Commissioner.

2.13. The Biometrics Commissioner will consider whether the retention of DNA profiles and fingerprints complies with the legislative framework and review requirements established under Part 6 of PACE NI.

2.14. Where unlawful retention is identified, the Commissioner will be able to direct the PSNI to reconsider the decision or delete the material and the Chief Constable will be required to comply with the Commissioner's findings.

Applications in respect of under 18s, individuals lacking capacity, and deceased persons

2.15. The review proposals also include arrangements for applications made on behalf of children, applications made by individuals acting for a person who lacks capacity, and applications relating to a deceased person.

2.16. A person under the age of 18 would be able to request a review in their own right, if they are deemed competent to do so. The PSNI will put in place arrangements to assess competency.

2.17. Regarding a person who either lacks capacity or is unable to make a decision, a request for a review may be made on their behalf by a person with power of attorney, guardian or nearest relative.

2.18. In circumstances where the individual whose material is retained dies, a family member or relative may submit a request for a review of the continued need to retain the deceased person's material.

Consultation Questions

2.19. We would appreciate your views on the Department's review mechanism proposals and would therefore welcome answers to the following questions:

> ***A.*** *Do you agree with the proposed review dates for adults and persons under 18 set out at Annex A? If not, please provide details of any alternative review*

dates you consider more appropriate and the reasons, including any supporting evidence.

***B.** Do you agree with the proposal that individuals should be able to request a review of the continued retention of their DNA profiles and fingerprints? If not, please provide reasons for your answer and any supporting evidence.*

***C.** Do you agree with the factors PSNI should consider when deciding whether or not to continue to retain a person's material? If not, please provide reasons for your answer and any alternative factors you think should be considered.*

***D.** Do you agree that there should be a reconsideration and a complaints process? If not, please provide reasons for your answer.*

***E.** Do you agree with the proposed arrangements for requests relating to children, persons lacking capacity, and deceased persons? If not, please provide reasons for your answer and details of any alternative approach.*

***F.** Do you have any other comments on the proposed review mechanism for the retention of DNA profiles and fingerprints?*

3. Impact Assessments

Equality

3.1 Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality between all the Section 75 groups. The Department has carried out an Equality Impact Assessment (EQIA) screening exercise prior to the launch of this consultation. The purpose of this screening was to identify those policies that are likely to have an impact on equality of opportunity and/or good relations impacts associated with updating the Codes.

3.2 The Equality Screening of the impact of the proposals in this consultation is available from the Department's website at https://www.justice-ni.gov.uk/consultations/consultation-review-mechanism-dna-and-fingerprint-retention-framework-part-6-police-and-criminal-evidence-ni-order-1989. At this point, we do not consider that a full EQIA is required. Following the conclusion of this consultation, we will review the screening exercise to assess the consultation responses to make sure the initial assessment of the proposals remains accurate.

Data Protection

3.3 The Department has carried out a Data Protection Impact Assessment (DPIA) regarding the proposals in this consultation.

Rural Communities

3.4 The Department considered a Rural Needs Impact Assessment regarding the proposals in this consultation. It identified that there would be no significant adverse or differential impact on people living in rural communities compared with those in an urban setting.

Child Rights

3.5 The Department considered a Child Rights Impact Assessment regarding the proposals in this consultation. It concludes that whilst DNA and fingerprints may be taken and retained from children, the review mechanism proposals incorporate a less stringent regime for under 18s i.e. there will be an earlier review date when compared to adults.

4. Responding to this consultation

4.1 The consultation will run for a 12-week period from 12 November 2026. All responses should be submitted **by midnight** 3 February 2027. The Department asks that responses to this consultation are made through the Citizen Space portal: https://consultations.nidirect.gov.uk/doj/review-mechanism

4.2 The Department requests that you do not provide any personally identifiable information (for example, names, dates, and locations) in your answers.

Enquiries

4.3 Please submit any enquiries by email: PACEConsultation@justice-ni.gov.uk

4.4 If you have any concerns about the way this consultation process has been handled, you should send them to: Governance.Unit@justice-ni.gov.uk

Alternative Formats

4.5 An electronic version of this document is available from the Department's website: https://www.justice-ni.gov.uk/consultations/consultation-review-mechanism-dna-and-fingerprint-retention-framework-part-6-police-and-criminal-evidence-ni-order-1989.

4.6 If it would assist you to access the document in an alternative format or language other than English, please contact PACEConsultation@justice-ni.gov.uk for assistance.

5. Next steps

5.6 The consultation period will end on 3 February 2027. We will consider the responses to this consultation and will adjust the proposals if considered appropriate.

5.7 The statutory review mechanism regulations will be laid in the Northern Ireland Assembly and will follow the affirmative resolution procedure.

6 Privacy, Confidentiality and Access to Consultation Responses

6.1 For this consultation, all responses may be published except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity may be published. Email addresses and telephone numbers will be removed from responses; but apart from this, they will be published in full. For more information about how personal data is handled please see the DoJ consultation privacy notice. The DoJ Consultation Privacy Notice is attached at Annex B.

6.2 Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however, all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.

6.3 If you want the information that you provide to be treated as confidential it would be helpful if you could explain why you regard the information you have provided as confidential. This will form part of the consideration if the Department should receive a request for the information under the FOIA or EIR.

ANNEX A (the review dates below represent the point at which PSNI will be required to assess whether continued retention remains necessary. They do not guarantee deletion at that point).

Description	Retention Period	Statutory Review	Description	Retention Period	Statutory Review
			Adult Conviction Minor Offence(s) out of court disposal (excluding CBRJ or penalty notice)	25 years retention	Reviewed after 10 years
U18 Conviction Minor Offence(s) (when first offence rule does not apply) – non-custodial sentence	25 years retention	Reviewed after 10 years	Adult Conviction Minor Offence(s) non-custodial	25 years retention	Reviewed after 15 years
U18 Conviction Minor Offence(s) (when first offence rule does not apply) – custodial sentence of less than 5 years	25 years retention	Reviewed after 15 years	Adult Conviction Minor Offence(s) custodial sentence of less than 5 years	50 years retention	Reviewed after 20 years
U18 Conviction Minor Offence(s) custodial sentence of more than 5 years but less than 10 years	50 years retention	Reviewed after 20 years	Adult Conviction Minor Offence(s) custodial sentence of more than 5 years but less than 10 years	50 years retention	Reviewed after 25 years
U18 Conviction Minor Offence(s) custodial sentence of 10 years or more but less than 20 years	50 years retention	Reviewed after 25 years	Adult Conviction Minor Offence(s) custodial sentence of 10 years or more but less than 20 years	50 years retention	Reviewed after 30 years
U18 Conviction Minor Offence(s) custodial sentence of more than 20 years	50 years retention	Reviewed after 30 years	Adult Conviction Minor Offence(s) custodial sentence of more than 20 years	50 years retention	Reviewed after 35 years
			Adult Conviction Qualifying Offence(s) out of court disposal (excluding CBRJ or penalty notice)	75 years retention	Reviewed after 15 years
U18 Qualifying Offence(s) – non-custodial court sentence	75 years retention	Reviewed after 15 years	Adult Conviction Qualifying Offence(s) non-custodial court sentence	75 years retention	Reviewed after 20 years
U18 Qualifying Offence(s) – custodial sentence less than 5 years	75 years retention	Reviewed after 20 years	Adult Conviction Qualifying Offence(s) custodial sentence of less than 5 years	75 years retention	Reviewed after 25 years
U18 Qualifying Offence(s) – custodial sentence of 5 years or more but less than 10 years	75 years retention	Reviewed after 25 years	Adult Conviction Qualifying Offence(s) custodial sentence of 5 years or more but less than 10 years	75 years retention	Reviewed after 30 years
U18 Qualifying Offence(s) – custodial sentence of 10 years or more but less than 20 years	75 years retention	Reviewed after 30 years	Adult Conviction Qualifying Offence(s) custodial sentence of 10 years or more but less than 20 years	75 years retention	Reviewed after 35 years
U18 Qualifying Offence(s) – custodial sentence of 20 years or more	75 years retention	Reviewed after 35 years	Adult Conviction Qualifying Offence(s) custodial sentence of 20 years or more	75 years retention	Reviewed after 40 years

ANNEX B

Privacy Notice – Consultations (DoJ)

Data Controller Name: Department of Justice (DoJ)

Address: Knockview Buildings, Stormont, BELFAST, BT4 3SG

Email: PACEConsultation@justice-ni.gov.uk

Data Protection Officer Name: DoJ Data Protection Officer

Telephone: (028) 90378617

Email: DataProtectionOfficer@justice-ni.gov.uk

Being transparent and providing accessible information to individuals about how we may use personal data is a key element of the Data Protection Act (DPA) and the EU General Data Protection Regulation (GDPR). The Department of Justice (DoJ) is committed to building trust and confidence in our ability to process your personal information and protect your privacy.

Purpose for processing

We will process personal data provided in response to consultations for informing the development of our policy, guidance, or other regulatory work in the subject area of the request for views. We may publish a summary of the consultation responses and, in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents but will include the names of organisations responding.

If you have indicated that you would be interested in contributing to further Department work on the subject matter covered by the consultation, then we might process your contact details to get in touch with you.

Lawful basis for processing

The lawful basis we are relying on to process your personal data is Article 6(1) (e) of the GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

We will only process any special category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health, disability or sexual life/orientation when it is necessary for reasons of substantial public interest under

Article 9(2) (g) of the GDPR, in the exercise of the function of the Department, and to monitor equality.

How will your information be used and shared?

We process the information internally for the above stated purpose. For the time that we are processing this data, it will be held on a secure IT system and access to it will be controlled. We do not intend to share your personal data with any third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance with the provisions of the data protection laws.

How long will we keep your information?

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule DoJ Retention & Disposal Schedule.

What are your rights?

- You have the right to obtain confirmation that your data is being processed, and access to your personal data
- You are entitled to have personal data rectified if it is inaccurate or incomplete
- You have a right to have personal data erased and to prevent processing, in specific circumstances
- You have the right to 'block' or suppress processing of personal data, in specific circumstances
- You have the right to data portability, in specific circumstances
- **You have rights in relation to** automated decision making and profiling

How to complain if you are not happy with how we process your personal information

If you wish to request access, object, or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you have the right to lodge a complaint with the Information Commissioner's Office (ICO):

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Email: casework@ico.org.uk
https://ico.org.uk/global/contact-us/