

This template is an example of how you can record your DPIA process and outcome. It follows the process set out in our DPIA guidance, and should be read alongside that guidance and the [Criteria for an acceptable DPIA](#) set out in European guidelines on DPIAs.

You should start to fill out the template at the start of any major project involving the use of personal data, or if you are making a significant change to an existing process. The final outcomes should be integrated back into your project plan.

Step 1: Identify the need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified the need for a DPIA.

The Department of Justice (DoJ) is seeking to amend the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) in order to implement a new fingerprint and DNA retention framework for Northern Ireland which will comply with the Marper and Gaughran European Court of Human Rights judgments. The new framework is based on a 75/50/25 retention model for fingerprints and DNA material taken in Northern Ireland with the longest retention period applying if an individual receives a conviction for a 'qualifying offence'.

Qualifying offences are considered to be the most serious offences with the existing list of qualifying offences contained in Article 53A of PACE NI. The subject of this assessment is the addition of offences to Article 53A of PACE NI following a review of the current list of qualifying offences. A review was carried out to ensure the list is as complete as possible, given its importance in ensuring a graduated response to the retention of fingerprints and DNA. Whilst taking forward the review, the DoJ sought to balance proportionality regarding the taking and retention of DNA and fingerprints and the value that such material can have in preventing and detecting serious and harmful offences.

The processing therefore involved with this assessment relates to fingerprint and DNA data. A DPIA is required due to the sensitive nature of fingerprints and DNA data and the large volume of material that will be retained by the PSNI.

Step 2: Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

How will you collect, use, store and delete data?

Fingerprints and DNA will be taken by the PSNI from individuals arrested for a recordable offence under the legislative powers set out in Part 6 of PACE NI. Part 6 of PACE NI also contains provisions for the retention of an individual's fingerprints and DNA profiles on local and national databases. The PSNI IT system will be designed to delete fingerprints and DNA from the databases once there is no longer a legal reason to retain.

What is the source of the data?

DNA and fingerprints will be taken from individuals arrested for a recordable offence under the legislative powers set out in Part 6 of PACE NI and will be retained on local and national databases.

Will you be sharing the data with anyone?

Not as a result of this policy. This policy is amending PACE NI legislation to cover the extent of offences that will be considered as qualifying offences and thus attracting longer retention periods.

The DoJ will not be collecting any fingerprints or DNA from any individuals and therefore will not be sharing biometric data with anyone. However, we will remind other data controllers of their obligations under Article 25 UK GDPR.

Whilst the PSNI will be collecting and retaining the fingerprints and DNA, there may be occasions where information about the individual (but not copies of fingerprints or DNA profiles) is shared with the Northern Ireland Commissioner for the Retention of Biometric Material in cases where an individual is arrested but not charged with a qualifying offence and the PSNI wish to make an application to retain the material for 3 years. Appropriate Information Sharing agreements will be developed as part of the work plan involved in creating the office of the Commissioner.

What types of processing identified as likely high risk are involved?

Biometric material by its nature is sensitive personal data and law enforcement data under DPA 2018 Part 3. Fingerprints and DNA are retained by the PSNI for the purposes of protecting public safety, investigating and preventing crime and for identification purposes. Biometric material retrieved from a crime scene is also speculatively searched by PSNI against the fingerprint and DNA databases to establish if there is a match. The subject of this assessment is the retention of fingerprints and DNA for the longest retention periods for those convicted of the most serious offences.

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

What is the nature of the data, and does it include special category or criminal offence data?

The subject of this assessment is the addition of offences to Article 53A of PACE NI following a review of the current list of qualifying offences. The qualifying offences list will directly relate to the length of the retention periods for fingerprints and DNA profiles, which are considered biometric material and classed as special category data. Criminal offence data is also involved in the retention period calculation, which will depend upon the offence type and the sentence given by the court.

How much data will you be collecting and using? How often?

The DoJ will not be collecting or using biometric data. Biometric data will be collected and used by the PSNI on a daily basis. The qualifying offences list assist the PSNI to calculate the appropriate retention period.

How long will you keep it?

The PSNI will retain fingerprints and DNA profiles in accordance with the statutory retention periods set out in PACE NI.

How many individuals are affected?

This policy will affect all individuals arrested / charged / convicted of a qualifying offence.

What geographical area does it cover?

All of Northern Ireland.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

What is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way?

The DoJ will not be collecting or using fingerprints and DNA profiles and therefore will have no relationship with individuals. Individuals have the right under the Data Protection Act 2018 to make enquiries with the PSNI regarding whether their material is being held and to make a request for deletion of that material. The DoJ is also proposing a review mechanism for long term retained material, this mechanism will be considered in separate regulations.

The DoJ is planning to launch a public consultation in 2025 regarding the proposed changes to the qualifying offences list.

Do they include children or other vulnerable adults?

Yes – Fingerprints and DNA will be taken/retained by the PSNI from both children and vulnerable adults who have been arrested for a recordable offence.

Are there prior concerns over this type of processing or security flaws?

No.

Is it novel in any way?

A similar list of qualifying offences for the purposes of fingerprint and DNA profiles retention exists in England and Wales as per [Section 65A of the Police and Criminal Evidence Act 1984](#).

What is the current state of technology in this area?

Fingerprints and DNA profiles will be held on existing PSNI and national databases.

Are there any issues of public concern that you should factor in?

The broader fingerprint and DNA retention framework (including the concept of qualifying offences) seeks to balance concerns about privacy and individual rights, with the legitimate need to protect public safety including the investigation and prevention of crime.

Are you signed up to any approved code of conduct or certification scheme?

All fingerprints and DNA will be processed in accordance with UK wide standards set for the handling of fingerprints and DNA by the police.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

What do you want to achieve?

An updated qualifying offences list, which will provide a complete list of the most serious offences which will attract the longest retention periods for fingerprints and DNA profiles. The list will be specified in legislation; when the Public Prosecution Service for Northern Ireland (PPS)/Causeway are recording offence data on their systems, offences will be marked as qualifying offences if they are included on the list.

What is the intended effect on individuals?

Individuals convicted of a qualifying offence will have their fingerprints held by the PSNI and DNA profiles held by Forensic Science Northern Ireland (FSNI) (on behalf of the PSNI), for longer compared to individuals convicted of minor recordable offences, on the basis that these are considered the most serious offences and those individuals of greatest risk to public safety.

What are the benefits of the processing – for you, and more broadly?

Public safety will be enhanced as those convicted of the most serious offences will have their fingerprints held by the PSNI and DNA profiles held by FSNI (on behalf of the PSNI), for the maximum period permitted under the legislation. This should act as a deterrent to the individual from committing any further offences and enable police to quickly detect any further offences committed by the individual.

More broadly regarding the benefits of a new retention regime for Northern Ireland, this will ensure compliance with ECtHR judgments through the introduction of maximum retention periods, a statutory review mechanism, and the establishment of the Northern Ireland Commissioner for the Retention of Biometric Material. In particular, the statutory review mechanism will ensure that the PSNI undertake a review of the necessity of the continued retention of material which will ensure that it is not kept for longer than necessary.

Step 3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Describe when and how you will seek individual's views – or justify why it's not appropriate to do so.

The DoJ consulted on the broader retention framework in 2020 (the consultation document and the Department's response is available [on the Department's website](#)). The DoJ now plans to consult on the addition of offences to the qualifying offences list in 2025. The consultation will be a public consultation and will be particularly relevant to anyone who is involved in or interested in the taking and retention of DNA samples and profiles and fingerprints. The DoJ will be seeking input on the proposed changes to the list of devolved qualifying offences as well as seeking views on other offences that the DoJ should consider adding to the list of devolved qualifying offences.

Who else do you need to involve within your organisation? Do you need to ask your processors to assist?

The role of the DoJ is to set the policy and legislation. It will be a matter for the PSNI to implement the fingerprint and DNA retention framework as set out in legislation.

Do you plan to consult information security experts, or any other experts?

No – the DoJ is not directly responsible for processing the data.

Step 4: Assess necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

What is your lawful basis for processing?

Part 6 of PACE NI.

Does the processing actually achieve your purpose?

Yes - it is considered that individuals convicted of a qualifying offence are of greatest risk to the public and therefore the retention of their fingerprints and DNA profile by PSNI for the longest possible time is considered to be both proportionate and necessary.

Is there another way to achieve the same outcome?

No – it is considered that a list of serious offences attracting the longest retention periods is the optimum approach.

How will you prevent function creep?

The list of qualifying offences will be specifically set out in legislation. Furthermore, the Northern Ireland Commissioner for the Retention of Biometric Material will have oversight of the new legislative framework.

How will you ensure data quality and data minimisation?

Fingerprints and DNA profiles are held on police systems, subject to the relevant standards and governance frameworks.

What information will you give individuals? How will you help to support their rights?

Individuals are informed by the police about what will happen with their data when their fingerprints and DNA are taken.

What measures do you take to ensure processors comply?

The Chief Constable is accountable to the NI Policing Board. There will also be a role for the Northern Ireland Commissioner for the Retention of Biometric Material in ensuring that the PSNI comply with the legislation.

How do you safeguard any international transfers?

The subject of this assessment is the addition of offences as qualifying offences which does not involve international transfers of data.

Step 5: Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
<p>Unworkable retention systems due to differing lists of qualifying offences across the UK</p> <p>Personal data is shared between various organisations (e.g. PSNI, Public Prosecution Service NI, NI Biometrics Commissioner) without appropriate safeguards in place.</p> <p>Erroneous application of qualifying offence rules by the PSNI for an offence that is not a qualifying offence.</p> <p>PSNI misunderstanding of the taking powers and retention rules related to offences specified in Article 53A of PACE NI.</p> <p>Compliance errors on the part of the PSNI may have a negative impact on public confidence regarding the new arrangements.</p>	Remote, possible or probable	Minimal, significant or severe	Low, medium or high
	Remote	Severe	Low
	Possible	Significant	Medium
	Possible	Significant	Medium
	Possible	Significant	Medium
	Possible	Minimal	Low

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
Unworkable retention system due to differing lists of qualifying offences across the UK	The DoJ and PSNI will work closely with the Home Office and PND regarding an update list of qualifying offences for Northern Ireland (different retention regimes already operate across the UK – the DoJ do not foresee any significant difficulties when the new NI retention regime is commenced). The DoJ will work with the Home Office to ensure appropriate guidance and training is provided across the jurisdictions to ensure awareness is raised regarding the new regime.	Eliminated reduced accepted Reduced	Low medium high Low	Yes/no Yes
Personal data is shared between various	Appropriate Information Sharing Agreements will be developed as part of	Reduced	Low	Yes

<p>organisations (e.g. PSNI, Public Prosecution Service NI, NI Biometrics Commissioner) without appropriate safeguards in place.</p>	<p>the work plan involved in creating the office of the Commissioner. The lawful basis for the sharing of personal data between the PSNI and the PPS is contained within Schedule 7 of the Data Protection Act 2018. A Memorandum of Understanding is currently in place between the PSNI and Forensic Science NI that includes an Information Sharing Agreement.</p>			
<p>Erroneous application of qualifying offence rules by the PSNI for an offence that is not a qualifying offence.</p>	<p>Appropriate testing of the PSNI software (to include accuracy checking of the list of qualifying offences) prior to implementation of the new retention framework.</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
<p>PSNI misunderstanding of the taking powers and retention rules related to offences specified in Article 53A of PACE NI.</p>	<p>The Department has engaged closely with the PSNI on the detail of the legislation to ensure the provisions are understood and are workable in practice.</p> <p>Guidance provided by the PSNI to officers and staff.</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>

<p>Compliance errors on the part of the PSNI may have a negative impact on public confidence regarding the new arrangements.</p>	<p>Oversight of the new retention regime by the NI Commissioner for the Retention of Biometric Material.</p> <p>As above</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
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Step 7: Sign off and record outcomes

Item	Name/date	Notes
<p>Measures approved by:</p>	<p>Lisa Boal</p>	<p>Integrate actions back into project plan, with date and responsibility for completion</p>
<p>Residual risks approved by:</p>	<p>Lisa Boal</p>	<p>If accepting any residual high risk, consult the ICO before going ahead</p>

DPO advice provided:	Z. Smyth – 15/11/24 Z. Smyth – 17/01/25	DPO should advise on compliance, step 6 measures and whether processing can proceed
<p>Summary of DPO advice: Content that this DPIA covers the introduction of policy and legislation to enable appropriate retention periods for fingerprints and DNA profiles. PSNI are a separate data controller, who will be implementing the new legislation.</p> <p>ICO will require Enquiry Form 36(4) to review and comment on this DPIA, this can be found at: DoJ Data Protection Officer - Useful Documents NICS Intranet</p> <p>When ICO Form completed – please send to DataProtectionOfficer@justice-ni.gov.uk and I'll then approve and send to ICO along with this DPIA. 15/11/24</p> <p>ICO feedback received and met with business area to discuss their replies and this updated DPIA. I'm content you have responded to the ICO feedback and with this updated DPIA. DPO: 17/01/25</p>		
DPO advice accepted or overruled by:	Lisa Boal 17/01/25	If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:	N/A	If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:	Lisa Boal	The DPO should also review ongoing compliance with DPIA