A review process for DNA and fingerprint records kept by the police

This consultation begins on 12 November 2026

This consultation ends on 3 February 2027

Department of Justice
Safer Communities Directorate



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Annex A - Proposed review dates



1. Introduction

1.1. The Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) is the legislation that gives the police powers to investigate crime.

1.2. Part 6 of PACE NI allows the police to take and keep DNA and fingerprints from people who have been arrested for a recordable offence (an offence which may result in a person going to prison).

1.3. DNA profiles and fingerprints can help the police investigate crime, prevent crime, and protect the public.

1.4. The Department of Justice has created new rules about how long DNA profiles and fingerprints can be kept. The new rules mean records will not be kept forever. Instead, there will be maximum time limits as well as a review process before the maximum time limit is reached.

1.5. The new rules make sure that people's DNA and fingerprint records are handled in a way that respects their human rights. In this consultation, we want to know what you think about the review process.





Why is a review process needed?

1.6. The new rules will mean there are maximum time limits for DNA profiles and fingerprints to be kept, which in general will either be 75,50 or 25 years. The length of time depends on things such as the type of offence, the person's age, whether they were convicted, and their criminal history.

1.7. As well as maximum time limits, we also think that the police should check whether a person's DNA and fingerprints still need to be kept. This check will happen before the maximum time limit is reached and is called a review.

1.8. We have developed the review proposals with input from the following organisations:

- 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.

Who will oversee the review process?

1.9. The Northern Ireland Biometrics Commissioner will provide independent oversight.

1.10. The Commissioner will monitor how the review process works and will provide an annual report and advice to the Department of Justice.

2. What is being proposed?

2.1. The Department is proposing a review process for DNA profiles and fingerprints which will make sure that:

- DNA profiles and fingerprints can be kept by the police to help prevent and detect crime;
- DNA profiles and fingerprints are not kept by the police for longer than needed; and
- the public is protected.

2.2. You can read the full details of the proposals 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.

2.3. The proposals include different review dates for DNA profiles and fingerprints kept for 75 years, 50 years, and 25 years. The review date will also depend on the

person's age and what happened in their case. The proposed review dates are shown in **Annex A**.

2.4. This approach uses decisions already made by the PSNI, the Public Prosecution Service or the courts. When making these decisions, they will have considered things like how serious the offence was, whether the person had offended before, and any other important information about the case.

2.5. When a review date is reached, the PSNI must decide whether there is still a need to keep the person's DNA profile and fingerprints. In general, the DNA profile and fingerprints will be deleted unless there is a good reason to keep them. Reasons for keeping the records may include:

- investigating crime;
- preventing crime; or
- public safety.

2.6. When making a decision, the PSNI will also need to consider information such as whether:

- the person is currently being investigated for an offence;
- the person is subject to a notification or another protection or prevention order;
- there is evidence that the person may still be involved in criminal activity;
- the person is managed under Public Protection Arrangements Northern Ireland;
- there are concerns about public safety; or
- the impact on the person of keeping their DNA profile and fingerprints.

Requesting a review

2.7. The Department is proposing that people will be able to ask the PSNI to review whether their DNA profile and fingerprints should continue to be kept. A request can be made at any time. The PSNI must look at each request individually and consider the person's circumstances.

2.8. However, in some situations, the PSNI may delay carrying out a review. This could happen if:

- the review date has not yet been reached;
- there is an ongoing police investigation; or
- the person is subject to a notification order as set out in new Article 63S of PACE NI.

2.9. The Department believes there should be a minimum period during which DNA profiles and fingerprints are kept before a review can take place. This is because, where the law allows the police to keep this information, it should be retained for long enough to help prevent crime and help keep people safe.

2.10. The proposed review dates are the earliest times when the PSNI can consider whether DNA profiles and fingerprints should continue to be kept. If someone asks for a review before the relevant review date, the PSNI may wait until the review date is reached.

Reconsideration of decisions

2.11. If a person is unhappy with a decision to keep their DNA profile or fingerprints, they can ask the PSNI to reconsider the decision.

2.12. The reconsideration process provides an extra safeguard. It allows the decision to be reviewed by a more senior PSNI officer or member of staff who was not involved in the making the original decision. This helps make sure the process is fair and independent.

2.13. The PSNI will be responsible for carrying out the reconsideration because they hold the information and are best placed to decide whether it still needs to be kept for policing purposes.

2.14. The person who requested the reconsideration will be told the outcome in writing.

Role of the Northern Ireland Biometrics Commissioner

2.15. If a person is still unhappy after the review and reconsideration processes have been completed, they can make a complaint to the Northern Ireland Biometrics Commissioner.

2.16. The Biometrics Commissioner will consider whether the PSNI is keeping the person's DNA profile and fingerprints in line with the rules set out in law.

2.17. If the Commissioner finds that the DNA profile or fingerprints are being kept unlawfully, they can require the PSNI to:

- look at the decision again; or
- delete the DNA profile and fingerprints.

2.18. The Chief Constable must follow the Commissioner's decision.

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

2.19. The review process includes arrangements for:

- children and young people;
- people who are unable to make a decision for themselves; and
- people who have died.

2.20. In these situations, someone may be able to make a request on another person's behalf.

2.21. A person under 18 years of age can ask for a review themselves if they are considered able to understand and make the request. The PSNI will have a process to decide whether a young person is able to do this.

2.22. If a person is unable to make decisions for themselves, someone else may ask for a review on their behalf. This could include:

- a person with power of attorney;
- a guardian; or
- their nearest relative.

2.23. If the person whose DNA profile or fingerprints are being kept has died, a family member or relative may ask for a review of whether the information still needs to be retained.

Consultation Questions

2.24. We would like to hear your views on the Department's review proposals. Please answer the questions below if you would like to share your views. Your responses will help us understand what people think about these proposals.

> ***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. Responding to this consultation

3.1 This consultation is open to everyone and is particularly relevant to anyone who is involved in or interested in the taking and retention of DNA samples and profiles and fingerprints.

3.2 The consultation will run for a 12-week period from 12 November 2026. All responses should be submitted by midnight 3 February 2027.

3.3 The DoJ asks that responses to this consultation are made through the Citizen Space website:
https://consultations.nidirect.gov.uk/doj/review-mechanism

3.4 Please do not provide any personally identifiable information (for example, names, dates, and locations) in your answers.

Enquiries

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

3.6. 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

4. Next steps

4.1 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.

4.2. The review mechanism regulations will be presented to the Northern Ireland Assembly. The Assembly must discuss and approve these rules before they can come into force.

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