

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

10 November 2025

Dear Kathy,

WINDSOR FRAMEWORK AND EU DIRECTIVES

I refer to your letter dated 24 October 2025 regarding the proposed biometrics related amendments to the Justice Bill and the issue of compliance with the Windsor Framework. The Department has previously advised that the biometrics amendments are intended to improve the operation of the provisions included in the Bill.

Following a letter from the Department on 11 March 2025, the Committee is aware that the Department is satisfied that all proposed amendments to the Justice Bill are fully compliant with the European Convention on Human Rights.

Regarding compliance with the Windsor Framework, Article 2(1) of the Protocol on Ireland/Northern Ireland (as updated by the Windsor Framework) provides that:

"The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in

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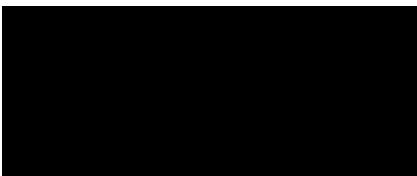
Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.”

Following engagement with the Departmental Solicitor’s Office, the Department is satisfied that the proposed biometrics related amendments do not diminish rights protected by Article 2(1) – Annex 1 Directives.

It is also important to note that there is legal uncertainty as to whether data protection constitutes a right, safeguard, or equality of opportunity matter under the Belfast Agreement. However, if a view was taken that issues surrounding data protection do apply, the Department is satisfied that there is no conflict between the proposed amendments and Regulation 2016/679/EU (General Data Protection Regulation) and Directive 2016/680/EU (Law Enforcement Directive)¹.

I trust this information provides reassurance to the Committee regarding compliance with the Windsor Framework.

Yours sincerely,



**DAVID GRAHAM
DALO**

¹ Directive 2016/680 was transposed into domestic law by Part 3 of the Data Protection Act 2018.



Northern Ireland Assembly Committee for Justice

David Graham
DALO
Department of Justice
Castle Buildings
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BT4 3SQ

24 October 2025

Windsor Framework and EU Directives

Dear David

At its meeting on Thursday 16 October 2025, the Committee for Justice reviewed responses received on various questions in relation to the Justice Bill.

On 7 March 2025, the Committee wrote to the Department on the proposed amendments to the Justice Bill Biometric provisions.

Among other things, the Committee asked for *“an analysis of the Bill’s compatibility with the Windsor Framework and relevant EU Directives”*.

The Committee also asked if *“the Departmental Solicitor’s Office [had] completed its work around “human rights compliance and Windsor Framework considerations on the biometrics amendments, given that an indicative suggestion was previously provided to the Committee that this would be completed towards the end of February 2025.”*

The Department responded on 21 March 2025 with a comprehensive reply in relation to the other questions asked. However, a response to the specific questions on the Windsor Framework do not appear to have been addressed.

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The Committee therefore agreed to ask the Department for its response to these questions on the Windsor Framework considerations.

I would be grateful for a response by 10 November 2025.

Yours sincerely

Kathy O'Hanlon

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Clerk to the Committee for Justice

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