

FROM THE OFFICE OF THE JUSTICE MINISTER



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Kathy O'Hanlon  
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Our ref: JCP\25\148

11 June 2025

Dear Kathy,

### **Justice Bill – Biometrics Review Mechanism**

I refer to your letter dated 5 June 2025 regarding the queries raised by the Justice Committee on the Department's proposals for a review mechanism relating to the new DNA and fingerprints retention framework for Northern Ireland contained in Part 1 of the Justice Bill.

While it will not be possible to consult publicly on the review mechanism until the Justice Bill has achieved Royal Assent, the Department has progressed policy development work to ensure the detail will be available to stakeholders as early as possible, given its importance to the legislative framework.

Proposals for a suitable review mechanism are still being developed. Departmental officials are working with the Information Commissioner's Office (ICO), the Northern Ireland Human Rights Commission (NIHRC), the Northern Ireland Commissioner for Children and Young People (NICCY), PSNI colleagues and the Departmental Solicitor's Office.

The aim is to achieve a suitable, proportionate review model that will be as efficient as possible for the PSNI to operate, and which is consistent with the requirements of the Data Protection Act 2018 and the Gaughran judgment. The Department anticipates that

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an updated draft will be shared with the ICO, NIHRC and NICCY over the Summer months, with a view to bringing forward proposals to the Minister in the Autumn. If the Minister approves the mechanism, officials will ensure the Committee receives a copy of the proposals as soon as possible.

In relation to the PSNI IT system required to operate the new retention framework, the Department has and continues to engage closely with the PSNI biometrics team as the policy and legislation progresses, which should enable the PSNI to take forward the required preparatory and software development work. The PSNI will be required to progress a business case regarding this development work in line with existing processes. While software development will be a matter for PSNI, the Department understands that the intention is to develop a package that integrates review and retention dates.

Regarding timelines, the Department will endeavour to progress the review regulations as soon as possible after the Justice Bill achieves Royal Assent to provide certainty at the earliest possible opportunity. Thereafter, Part 1 of the Justice Bill and the review regulations will be commenced together as part of the overall legislative package to introduce the new retention framework for Northern Ireland. It is anticipated that there will be a period of approximately 18-24 months between Royal Assent and commencement to provide time for implementation.

I trust you will find this helpful.

Yours sincerely,



**David Graham**  
**DALO**



**Northern Ireland Assembly  
Committee for Justice**

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5 June 2025

**Justice Bill - Biometrics Review Mechanism**

Dear David

At its meeting on 22 May 2025, the Committee considered your response of 13 May 2025 (JCP\25\114) regarding the review mechanism for the retention of biometric material.

The Committee agreed to whether any consideration was given to providing an individual whose material has been retained the right to request a review of the retention and, if so, what factors were considered e.g. the minimum time period within which a review could not be requested or measures that could be implemented to avoid repeat or vexatious requests for such reviews.

The Department's response outlined the work ongoing to develop a suitable review model, which will be operated by the PSNI. Subject to the passage of the Bill, a public consultation on the review mechanism will be required before the regulations are made. The Committee is concerned that it may therefore be some time before it is clear how the review mechanism will operate; however, the PSNI needs the information in order to build the IT systems for the retention schedule. Members have questioned whether the PSNI will therefore be required to proceed with development in the meantime to ensure that the necessary systems are in place for the commencement of the provisions that are in the Bill, and if further software development will be required at a later time in order to implement the review mechanism.

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The Committee expressed concern that this may create further budgetary pressures on the Department and the PSNI and agreed to ask what is being done to manage this process and mitigate against such potential additional costs.

I should appreciate a response by 19 June 2025.

Yours sincerely

*Kathy O'Hanlon*

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**Clerk to the Committee for Justice**