

FROM THE OFFICE OF THE JUSTICE MINISTER

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Kathy O'Hanlon
Clerk to the Committee for Justice
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Our ref: JCP\25\134

3 June 2025

Dear Kathy,

Justice Bill – Law Society of Northern Ireland oral evidence

I refer to your letter dated 21 May 2025 regarding the query raised by the Justice Committee on the rationale for DNA and fingerprints retention periods commencing at the point of conviction rather than at the time the material was obtained.

There are a number of retention periods contained in Part 1 of the Justice Bill which are based on a conviction as follows:

- Persons convicted of a qualifying offence (Article 63J);
- Persons aged 18 or over convicted of a recordable offence other than a qualifying offence (Article 63K);
- Persons under 18 convicted of a recordable offence other than a qualifying offence (Article 63L); and
- Exception for persons under 18 convicted of a first minor offence (Article 63M).

The retention periods contained in Articles 63J – 63M commence from the point of conviction to ensure consistency of approach with Article 63N (persons convicted of an offence outside Northern Ireland), where the conviction date is the only date available to the PSNI from which the retention period can be commenced.

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Furthermore, the retention periods contained in Articles 63J – 63M commence from the point of conviction in order to ensure a fair approach for individuals recalled by the PSNI for the purpose of taking DNA and fingerprints. Where an individual has been convicted of an offence and DNA and fingerprints have not previously been taken, the PSNI will have the power on foot of Schedule 2A of the Police and Criminal Evidence (NI) Order 1989 to recall that individual to a police station for DNA and fingerprints to be taken. The Department considers that the retention period commencing from the date of conviction, rather than the later date of material being taken, is a fair approach.

It is also important to note the general policy of the PSNI is to take a DNA sample only once from an individual, with the DNA profile then generated from the DNA sample. In circumstances where an individual has had their DNA taken for a first offence before going on to commit multiple offences (and is convicted for those offences), the date of material taken would not be an appropriate commencement date for the calculation of retention periods for later offences.

Therefore, the Department is of the view that the retention periods contained in Articles 63J – 63M commencing from the date of conviction is the most logical, fair and consistent approach for the purposes of the operation of the new DNA and retention framework for Northern Ireland.

I trust you will find this helpful.

Yours sincerely,



**DAVID GRAHAM
DALO**



**Northern Ireland Assembly
Committee for Justice**

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21 May 2025

Justice Bill – Law Society for Northern Ireland oral evidence

Dear David

At its meeting on 15 May 2025, the Committee for Justice took oral evidence from the Law Society for Northern Ireland on the Justice Bill.

Following the evidence session, the Committee agreed to ask the Department for the rationale for the retention periods for biometric material commencing at the point of conviction rather than at the time that the material was obtained.

I should appreciate a response by 5 June 2025.

Yours sincerely

Kathy O'Hanlon

**Kathy O'Hanlon
Clerk to the Committee for Justice**