

FROM THE OFFICE OF THE JUSTICE MINISTER



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Our ref: JCP\25\114

13 May 2025

Dear Kathy,

### **Justice Bill – Biometrics**

I refer to your letter dated 7 May 2025 regarding 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.

The judgment of the European Court of Human Rights in the case of *Gaughran v UK* made specific reference to the absence of any real possibility of review. In order to comply with the Gaughran judgment fully, it is considered prudent for the new retention framework for Northern Ireland to include a statutory review mechanism.

The Department considers that the introduction of a statutory review mechanism will provide an important safeguard, which will ensure that long-term retained material is subject to a scheduled review to assess the continuing need to retain DNA profiles and fingerprints in each individual case.

The proposed new DNA and fingerprint retention framework contained in Part 1 of the Justice Bill therefore includes a regulation making power<sup>1</sup> that will require the Chief Constable to carry out a meaningful review of long-term retained DNA profiles and fingerprints.

The PSNI will be responsible for the operation of the review mechanism. Departmental officials are currently working on the development of a suitable review model that will be as efficient as possible for the PSNI to operate, and which complies with data protection requirements. Departmental officials are currently working with PSNI colleagues, the Departmental Solicitor's Office, the Northern Ireland Human Rights Commission, the Northern Ireland Commissioner for Children and Young People, and the Information Commissioner's Office in order to progress this important work.

The proposals are still at the developmental stage and have not yet been considered by the Minister. In due course, and subject to the passage of the Justice Bill, the review mechanism will be the subject of a public consultation before regulations are brought before the Assembly under the affirmative resolution procedure.

It is anticipated that the review mechanism will consist of statutory review dates for each 75/50/25 retention band, with consideration also being given to the age of the person as well as the disposal imposed on the person. The benefit of this model is that the disposal will have been determined by the PSNI / Public Prosecution Service / Judge (as appropriate) after consideration of the seriousness of the offence, previous offending behaviour and any aggravating / mitigating factors for the individual and the particular offence(s).

The Department envisages that the review date would be set part-way through the statutory retention period and would be the earliest point at which the PSNI would be

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<sup>1</sup> The review mechanism will be taken forward by secondary legislation in order to provide the flexibility to amend arrangements if required to meet future requirements.

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Department of  
**Justice**

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

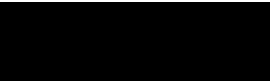
[www.justice-ni.gov.uk](http://www.justice-ni.gov.uk)

required to conduct a review of the continuing need to retain the individual's DNA and fingerprints.

Regarding the Committee's query on further evidence to support the retention periods contained in Part 1 of the Justice Bill, all available evidence has been submitted to the Committee via the letters from the Department dated 21 March and 17 April 2025.

I trust you will find this helpful.

Yours sincerely,



**DAVID GRAHAM  
DALO**



**Northern Ireland Assembly  
Committee for Justice**

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07 May 2025

**Justice Bill - Biometrics**

Dear David

At its meeting on 1 May 2025, the Committee for Justice considered the response from the Department of Justice regarding the factors used to determine the length of each retention period contained within Part 1 of the Justice Bill.

The Committee agreed to request further information on the robust review mechanism referred to in the correspondence, including what it is and who will conduct the reviews. The Committee would also welcome any further evidence that the Department has to support the retention periods in the Bill.

I should appreciate a response by 21 May 2025.

Yours sincerely

*Kathy O'Hanlon*

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Clerk to the Committee for Justice**