

Response ID ANON-Z841-1VCZ-U

Submitted to Justice Bill

Submitted on 2025-02-10 19:12:41

Introduction

What is your name?

Name:

██████████

What is your email address?

Email:

████████████████████

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I would like my views to be anonymous and understand that my name and organisation details will be withheld but my views will still be published.

Clause 1: Retention of fingerprints and DNA profiles

Do you believe Bill clearly defines what biometric data is?

Not Answered

Is the definition of biometric data clear?:

The Bill proposes to replace the current indefinite retention period for biometric data with a "75/50/25 year" model. Do you agree with the proposed retention periods for biometric data?

Not Answered

Please provide information to support your answer here::

Article 63S provides for a court to extend the retention period of material held under 63I to 63R for up to two years at a time. Do you support the extension of retention periods in certain circumstances?

Not Answered

Please provide information to support your answer here::

Articles 63Z and 63Z1, together with Schedule 1 to the Bill, relate to the establishment of a Northern Ireland Commissioner for the Retention of Biometric Material. Do you agree that a Commissioner for the Retention of Biometric Material should be appointed?

Not Answered

Please provide information to support your answer here::

The Commissioner for the Retention of Biometric Material will be required to: keep under review the operation of the PACE NI biometric retention framework, including the review process of long-term retained material to be set out in regulations made by the Department; keep under review the acquisition, retention and use of biometric material under the terms of this Bill; review the use and development of existing and new biometric technologies; issue guidance on the use of biometric technologies in a law enforcement setting; and report annually, or further as appropriate, on the Commissioner's functions. Do you agree with these being appropriate to the role of the Commissioner?

Not Answered

Please provide information to support your answer here::

Do you have anything further to add on Clause 1 of the Bill?

Not Answered

Please provide any further information relating to Clause 1 here::

Clause 29: Automatic review of certain criminal record certificates

Do you agree that all certificates containing spent convictions or other disposals for a person under 18 years of age should automatically be considered by the Independent Reviewer?

Yes

Please provide information to support your answer here::

This does not go far enough and NI should be in line with England and Wales where out of court disposals for under 18s are not automatically disclosed - police information can still be disclosed if needed and Barring List so protections are still in place. Cautions and Warnings should be treated as such and young people should be allowed to move on from past mistakes with these outcomes and employment is a major factor in rehabilitation and becoming a valued member of the community.

Do you have any other views on Clause 29 of the Bill?

Yes

Please provide information to support your answer here::

This Clause would help many but bringing NI in line with the UK as per the outcome of the Supreme Court ruling 2019 would be an improved outcome for young people seeking employment. This would mean employers would not ask for out of court disposals for under 18s on application forms in the first place. Again police information can be given and Barred list checked by Access NI.

Amendment: AccessNI filtering of criminal record certificates

Do you have any comments on the proposed AccessNI filtering amendment to the Bill?

Not Answered

Please provide information to support your answer here::