

*These notes refer to the Protection of Freedoms Act
2012 (c.9) which received Royal Assent on 1 May 2012*

PROTECTION OF FREEDOMS ACT 2012

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 1: Regulation of biometric data

Chapter 1: Destruction, retention and use of fingerprints etc.

Section 4: Persons arrested for or charged with a minor offence

90. [Section 4](#) inserts new section 63H into PACE. Where a person is arrested for or charged with a minor offence (that is, a recordable offence which is not a qualifying offence) and is not subsequently convicted, their section 63D material must be destroyed, unless they have previously been convicted of a recordable offence that is not an ‘excluded offence’ (new section 63H(2)) in which case the material can be retained indefinitely. An excluded offence has the same meaning as in section 3 (new section 63H(3)).