



# **Corrections made to the One Year Report on the status on the non- devolved provisions of the Coronavirus Act 2020**

Presented to Parliament

by the Secretary of State for Health and Social Care

by Command of Her Majesty

April 2021





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## Introduction

On 22 March 2021, the One-Year Status Report on the non-devolved provisions in the Coronavirus Act 2020 ('the Act') was laid in Parliament. The report provided a thorough assessment of whether the provisions within the Act remained necessary and proportionate to support the response to the pandemic. The report highlighted an intention to expire twelve provisions and suspend a further three.

The Report, laid in Parliament last month, stated that the regulations made under section 24 would expire in March 2021. However, it emerged that the second regulations made under this power, Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No. 2) Regulations 2020, are extant and will continue to have effect until 24 September 2021. This does not affect the substance of the report because the Government will shortly bring forward regulations to expire section 24, alongside other provisions set out in the One-Year Report.

Regulations have been made twice under section 24. These regulations have safeguarded a critical national security capability, by allowing biometrics held in the interest of national security to be retained for up to an additional six months beyond normal statutory retention deadlines. Without the regulations, which were made following a formal request from Counter-Terrorism Policing, and only after consultation with and the support of the independent Biometrics Commissioner, the biometrics of up to 150 individuals per month risked being deleted because of the effects of coronavirus on frontline policing.

The Coronavirus Act 2020 (Early Expiry) Regulations 2021 will be laid on Tuesday 20 April 2021. These will include a saving provision that will save the effect of the second set of regulations made under section 24. Without this saving provision, when section 24 is expired, biometrics being held in the interests of national security and currently benefiting from an extended retention period as a result of the regulations would fall to be destroyed before the police would be able to conduct the necessary casework and determine whether it is necessary and proportionate to authorise further period of retention (should there be an ongoing national security justification to do so). The saving provision only applies to biometrics that would otherwise have fallen to be destroyed between the period 1 October 2020 to 24 March 2021.

Before 25 September, all biometrics within scope of the regulations will need to have been deleted or been made subject to a national security determination, in accordance with the Protection of Freedoms Act 2012. The regulations will cease to have any effect on 25 September.

## Table of Corrections to the One-Year Status Report

This table highlights the changes made to the One-Year Report. The bold text represents additional text in the report compared to the previous version.

Page	Revised Text	Original Text
p.14	<p><u>Section 24 (applies to UK):</u> Extension of time limits for retention of fingerprints and DNA profiles.</p> <p>This provision established a regulation-making power so that biometrics (fingerprints and DNA profiles) held for national security purposes could be retained for up to an additional six months beyond normal statutory retention deadlines <b>(with the possibility of a further six month extension; enabling retention for up to a maximum of 12 months)</b>. This provision has successfully mitigated the risk of a critical national security capability being compromised because of the pandemic, including the risk of losing the biometrics of up to 150 individuals per month (many of whom could be subjects of national security interest). <b>However, this power was exercisable only in relation to biometrics that would (ignoring the effect of regulations made under it) need to be destroyed within 12 months of the Act being passed. Regulations have been made to cover this 12-month period. A further extension beyond the second set of regulations made under this power was not necessary and therefore section 24 will be expired as part of the one-year review as it has served its original purpose. The second set of regulations made under this power – the Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No 2) Regulations 2020 – will be saved as they provide the current basis for retention of certain biometrics held in the interest of national security that would otherwise would have fallen to be destroyed between 1 October 2020 and 24 March 2021.</b></p>	<p><u>Section 24 (applies to UK):</u> Extension of time limits for retention of fingerprints and DNA profiles.</p> <p>This provision established a regulation-making power so that biometrics (fingerprints and DNA profiles) held for national security purposes can be retained for up to an additional six months beyond normal statutory retention deadlines. This provision has successfully mitigated the risk of a critical national security capability being compromised because of the pandemic, including the risk of losing the biometrics of up to 150 individuals per month (many of whom could be subjects of national security interest). However, this power cannot be extended beyond the point the Regulations expire in March without primary legislation and therefore it will be expired as part of the one-year review as it has served its original purpose.</p>
p.30	<p><b>Counter-Terrorism Policing has confirmed that a further extension beyond that</b></p>	<p>As the regulations under these provisions have expired, and cannot be extended under the</p>

	<b>provided by the Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No 2) Regulations 2020 is not necessary and therefore a decision has been made to expire this provision.</b>	Act, the decision has been made to expire these provisions as part of the one-year review.
p.30-31	This provision established a regulation-making power so that biometrics (fingerprints and DNA profiles) held for national security purposes could be retained for up to an additional six months beyond normal statutory retention deadlines <b>(with the possibility of a further extension of up to six months – for a total extension of up to 12 months). This power could only be exercised in relation to biometrics that would (ignoring the effect of regulations made under it) need to be destroyed within 12 months of the Act being passed.</b>	This provision established a regulation-making power so that biometrics (fingerprints and DNA profiles) held for national security purposes could be retained for up to an additional six months beyond normal statutory retention deadlines.
p.31	<b>A further extension beyond the Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No 2) Regulations 2020 was not necessary and therefore this section will be expired under the UK-wide SI which will be laid after Easter recess.</b>	The Regulations laid under this power have now expired, and there is no legislative means to extend these under the Act. Therefore, if the powers were needed in the future primary legislation would be required. As such, the powers will be expired under the UK wide SI which will be laid after Easter recess.











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