



OFFICE OF THE BIOMETRICS
AND SURVEILLANCE
CAMERA COMMISSIONER

Application to the Biometrics and Surveillance Camera Commissioner under s.63G PACE

Explanatory Notes on How to Complete Biometric Retention Application

BC2 – Version 6 – Updated September 2026

This guidance explains how to complete an application under **section 63G of the Police and Criminal Evidence Act 1984 (PACE)**. Throughout this document, this is referred to as "**s.63G**"

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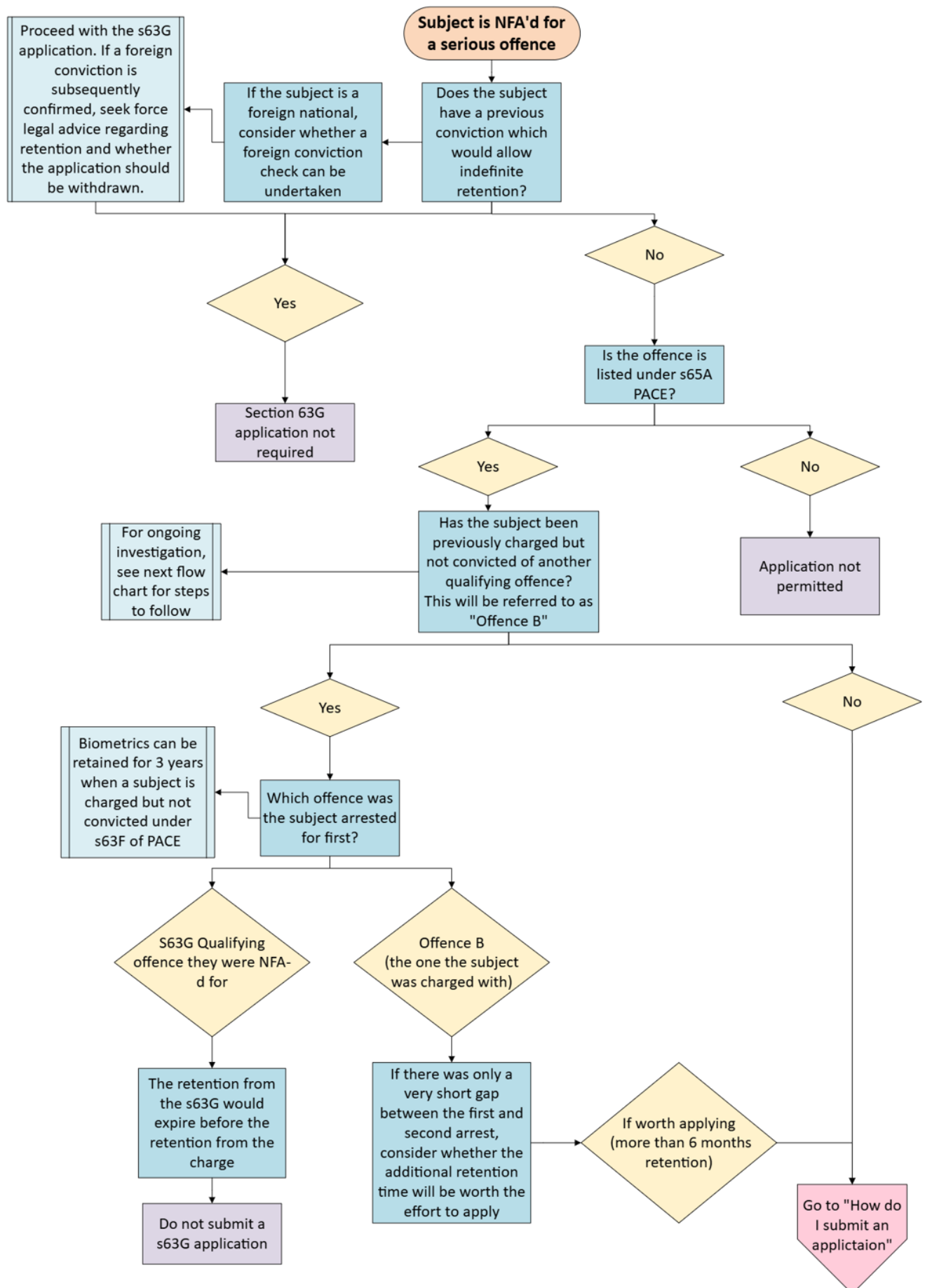
Section 63G Process Maps

The following set of process maps outline the key considerations and steps involved in progressing a s.63G application. They are intended as a practical guide and are not necessarily fixed steps, allowing for flexibility where circumstances require it. We have sought to capture a range of scenarios and considerations to support forces' decision-making throughout the process.

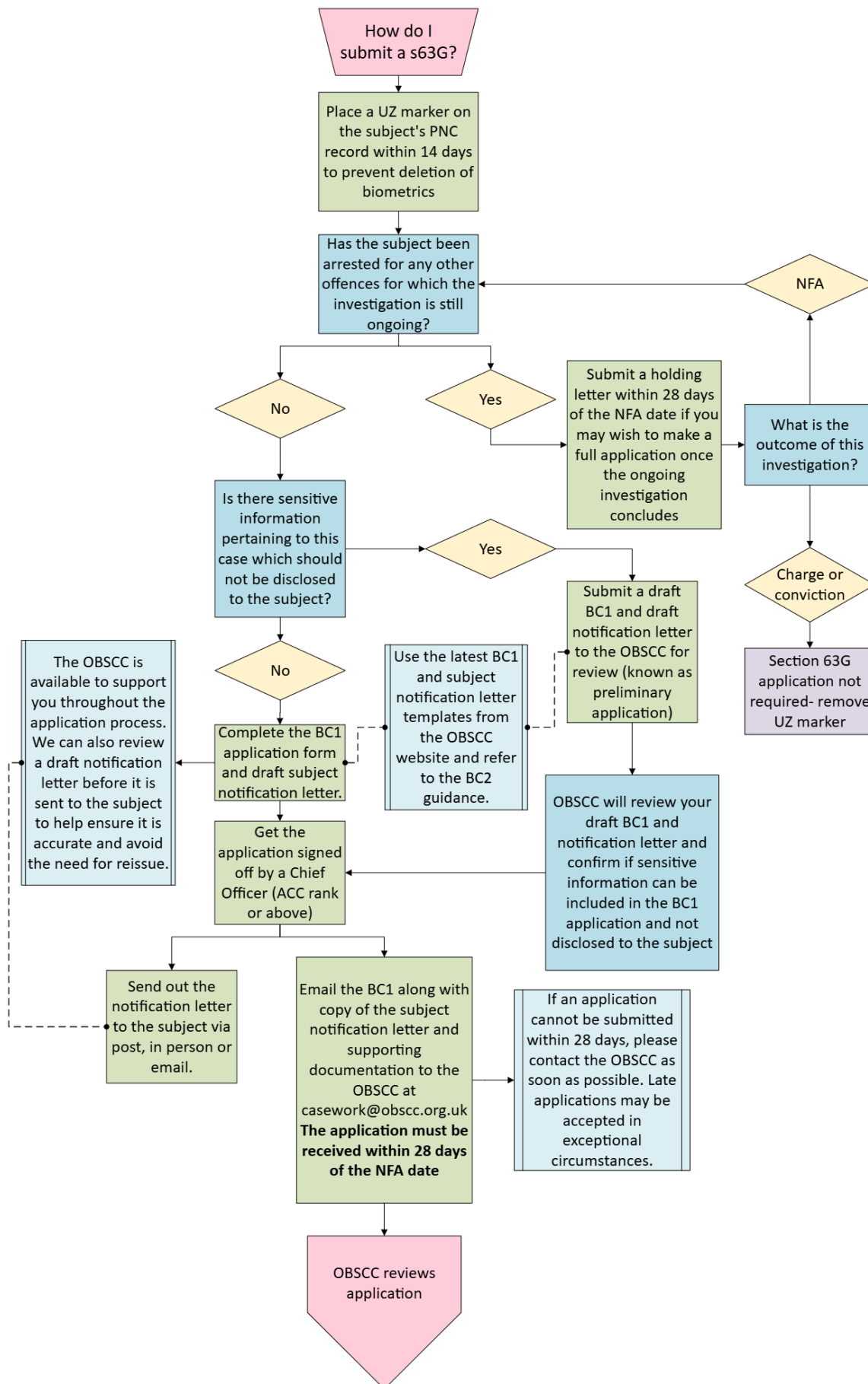
If any aspect of the process is unclear, or if you are unsure how to proceed, please contact the OBSCC. The team will be happy to provide advice, guidance, and support to help you navigate the application process.

Forces can apply their own internal timescales for the processes in these flow charts however, s.63G applications must be received by the OBSCC within 28 days of the NFA date.

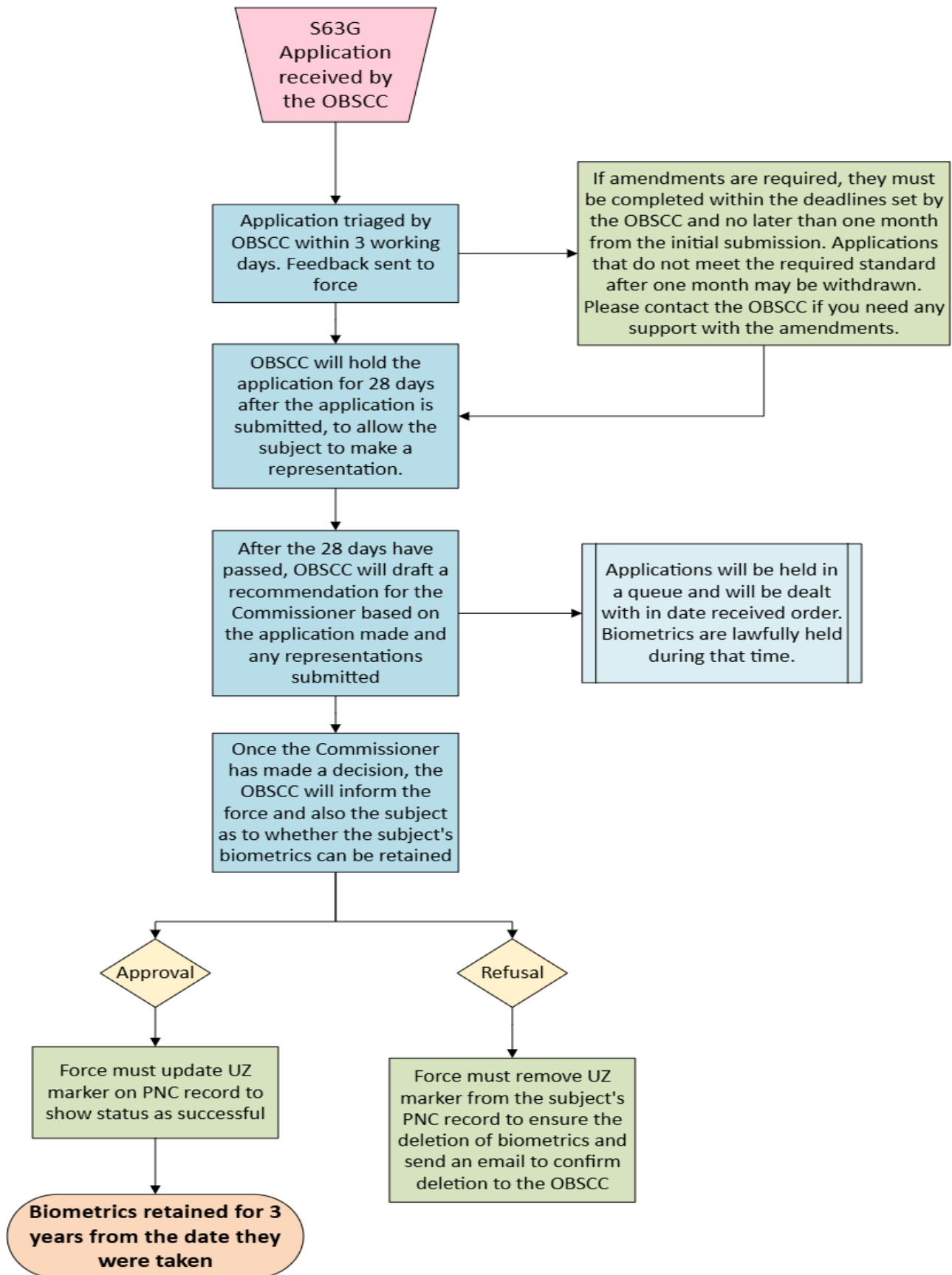
Section 63G Process Map – Can you submit a s.63G PACE application



S63G Process Map – How to submit a s.63G PACE application



S63G Process Map – What happens when a s.63G application reaches OBSCC



Guidance on how to fill in the BC1 application

This guide is designed to assist applicants and chief officers in completing the BC1 application to the Biometrics and Surveillance Camera Commissioner to retain DNA profile and/or fingerprint records which may be retained under the powers of s.63G PACE.

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1. Subject details	
Title	E.g. Mr, Mrs, Miss, Ms (please specify)
First name(s)	Enter subject's given names including middle names
Surname	Enter subject's surname
Date of birth	Enter subject's date of birth
Police URN	Enter the force unique reference number
PNCID	Enter PNCID
Gender	☐ Male ☐ Female ☐ Other (please state)
Address - home and/or email (if applicable, enter no fixed abode)	Enter the subject's permanent residential address. If unknown or the subject is of no fixed abode, indicate this. If email is their preferred contact method, enter their email address
Nationality	Enter subject's nationality If the subject is a foreign national, please enter details below if they are known. If this information is not known, please state that it is unknown If subject is not British, please state (if known): Nationality and Immigration status/checks: Date when they entered UK and on what basis: Overseas criminality checks: Please note: Known overseas recordable convictions may permit indefinite biometric retention. Seek in-force legal advice before submitting a s.63G application

2. Application information	
Application date	Enter date application is submitted to OBSCC
In time application? (within 28 days of NFA date?) ☐ Yes ☐ No If "no" please state reasons why it is late: Chief Officers have 28 days from the date of the No Further Action (NFA) decision to submit an application to the Commissioner: • Select "Yes" if the application was submitted within 28 days of the NFA decision • Select "No" if the application was submitted more than 28 days after the NFA decision and provide an explanation for the delay The OBSCC may accept late applications where advance notice has been provided and exceptional circumstances exist. Contact OBSCC in advance if the application will be late	
Is this s.63G application linked to another s.63G application made to OBSCC? ☐ Yes ☐ No If "yes", please state details of the linked application: If two or more applications are made regarding different subjects who are involved in the same alleged offence select "Yes". This will ensure that the linked cases are processed together	

3. Application point of contact	
Name (and rank if applicable)	Name of individual that submitted application and rank if they are a police officer
Force (including code)	Eg, West Yorkshire Police (13)
Email	Enter the contact email address

4. Biometrics		
Which biometric material is the application seeking to retain? (Tick all that apply)	☐ Fingerprints ☐ DNA profile Please ensure the subject notification letter accurately reflects the information selected here	
Date biometrics taken	Fingerprints	Enter the date fingerprints were taken from the subject
	DNA	Enter the date DNA samples were taken from the subject
S63G biometric retention end date <i>(Three years from date that biometrics were taken)</i>		Enter the date which the biometrics can be retained until if the s.63G application is approved. It should be calculated 3 years from the date the biometrics were taken and must also be included in the subject notification letter. For example, if the biometrics were taken on 01/01/2026, the retention end date would be 01/01/2029 If fingerprints and DNA were taken on different dates <u>for the same offence</u>, use the earliest date the biometrics were taken If biometrics are still held from a previous arrest, the retention period should be set from the arrest date for the latest qualifying offence linked to the s.63G application. Where this applies, forces should explain why the biometrics were already held and provide the outcome of the previous matter, where relevant

5. Arrest details		
Date of arrest	Enter date subject was arrested for qualifying offence which forms the basis of s.63G application	
NFA date	Enter date decision was made to NFA the qualifying offence (not the date it was recorded on PNC)	
No previous convictions	☐	<i>Please tick to confirm the subject has no previous convictions, cautions, warnings or reprimands for any recordable offence.</i> Please note: Biometric records may be eligible for indefinite retention where a person has been convicted of a recordable offence. In these circumstances, an application to the Commissioner is not required. Please consult your force's legal advisers before submitting an application to confirm whether this applies

6. Preliminary application	
Is there any information in this BC1 that cannot be disclosed to the subject in your proposed notification letter? Please do not send the proposed notification letter to the subject until the OBSCC has reviewed it.	☐ Yes ☐ No If preliminary application has been approved by the OBSCC, enter date of approval _____ For preliminary applications, a completed BC1 and proposed notification letter should be submitted to the OBSCC within the 28-day application period. OBSCC will consider the level of disclosure required and advise whether the application can be accepted for consideration
PRELIM APPLICATIONS ONLY Is there any information in this form that you wish to provide to the Commissioner but have not disclosed to the subject? Please select the relevant category and give details in Section 9 of the form. Use red text when referring to this information anywhere else on the form.	Select which categorises apply: ☐ Compromise intelligence sources or operations ☐ Jeopardise ongoing investigations ☐ Endanger victims or witnesses ☐ Reveal sensitive internal assessments ☐ Breach confidentiality agreements with partner agencies ☐ Allegations reported but not known by the subject ☐ Other (please explain)

7. Notification to subject regarding s.63G application	
Date notification letter sent	Enter the date on the letter or email
Method	☐ By Post (ideally tracked) ☐ In Person ☐ Electronic (e.g. email) ☐ No fixed abode (if ticked, do not complete remainder of section 7)
Deadline for Subject Representations	The subject must be allowed 28 days to make representations. As the notification letter may take several days to be delivered, the representations deadline should normally be set at one calendar month from the date of the notification letter. This will ensure the subject has the statutory 28 days in which to respond after receiving the letter. For example, a notification letter sent on 1 September 2026 should have a representations deadline of 1 October 2026
Notification Letter Attached	☐ Actual copy sent to subject ☐ Proposed letter to be sent to subject All s.63G applications must include a copy of the notification letter that has been sent, or that the Chief Officer intends to send, to the subject For standard applications, the notification letter will normally be sent to the subject by the force before the application is submitted to the OBSCC. The force may, however, submit a draft notification letter to the OBSCC for review before it is sent to the subject, to confirm that the letter contains the required information Different arrangements apply to Preliminary Applications. In these cases, the notification letter must be submitted to the OBSCC with the application and must not be sent to the subject until the OBSCC has approved the preliminary application and the proposed notification letter

If the subject is under 18, has an appropriate adult also been informed of the application? (mandatory)	☐ Yes ☐ No ☐ N/A If the subject is under 18, an appropriate adult must be notified about the application and given information about the alleged offence and how a representation can be made
If the subject is over 18 and required an appropriate adult during their police interview, was an appropriate adult informed of the application?	☐ Yes ☐ No ☐ N/A Forces should consider whether a vulnerable adult may require an appropriate adult to support their understanding of the s.63G process and with submitting a representation (should they wish to submit one). It is not mandatory for an appropriate adult to be involved for an adult subject; however, the Commissioner will want to understand why an appropriate adult was not contacted for a vulnerable subject
If applicable, Name and Address of appropriate adult.	Enter their full address and the relationship the appropriate adult has to the subject e.g. mother, father etc

Please ensure a copy of the actual or proposed Subject Notification Letter is attached

8. Declaration As responsible Chief Officer of Police I apply for consent to the retention of the above subject's DNA profile ☐ Fingerprints ☐ . Tick relevant box(es) for the biometrics you wish to retain For the reasons given below I consider that the criteria set out in: ☐ Section 63G (2)(a) of PACE* (under age 18) Tick if the victim is under 18 at the time of offence ☐ Section 63G (2)(b) of PACE* (vulnerable adult) Tick if the victim is 18 or over who is considered to be a vulnerable person ☐ Section 63G (2)(c) of PACE* (associated to the person whom the material relates) Tick if the subject and victim are related as referenced in s.62(3) to (7) of the Family Law Act 1996 If none of the criteria in s.63G(2) above apply, then select this s.63G(3) ☐ Section 63G (3) of PACE* (the retention of the material is necessary to assist in the prevention or detection of crime) are met and that there are compelling reasons to believe that the public interest will be served by the retention of the material in the particular circumstances of this case. I confirm that all key information relied upon from supporting documents have been clearly included within this BC1. I understand that the Commissioner will base their decision on the information provided here, and I will make available any further information reasonably requested by the OBSCC. <i>*(select appropriate section)</i>
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Signed	A 'wet' or electronic signature from the chief officer	Date	The date that the chief officer approved the application
Name and Rank <i>(Must be of substantive NPCC rank)</i>	Enter the full name and rank of the Chief Officer. This must be an officer of ACC rank or above (or Commander in the Metropolitan Police Service)		

9. Offence arrested for	
Qualifying offence(s) subject was arrested for	The qualifying offence must be one under s.65A(2) of PACE Example - ABH
Legislation for above offence(s)	Enter the specific legislation for which the subject was arrested Example - Section 47 Offences Against the Person Act 1861.
Section 65A reference <i>(select relevant section where primary qualifying offence is listed under s.65A PACE)</i>	Choose an item. Please select from the drop down the qualifying offence.
If the offence is an ancillary offence (attempt, conspiracy, incitement, aiding, abetting etc.), please select the relevant option	Choose an item. If applicable, please tick the appropriate box if the offence is an ancillary offence.

Detailed account of incident leading to arrest for which biometric retention is sought		
Please provide a full description of the circumstances leading to the arrest to which this application relates, including reference to any relevant documents. The points listed below should be addressed, and forces should also provide all information necessary to give a clear and detailed account to enable the Commissioner to make a decision. Insufficient or incomplete submissions may limit the ability to assess the application effectively and may be withdrawn.		
Alleged victim details	Age at time of offence	Enter the age of the victim at the time the qualifying offence took place. Multiple victim details can be entered if appropriate
	Gender	Enter the gender of the victim(s)

	Are there any vulnerabilities relating to the victim(s) that the Commissioner should be aware of? If applicable, explain how they meet the criteria under s.63G(2).	Provide details of any known or suspected vulnerabilities affecting the victim(s), including mental health conditions, learning difficulties, risk of self-harm or suicide, or any other relevant factors If the application is being made under s.63G(2), explain how the victim met the relevant criteria at the time of the alleged offence, namely: • Aged under 18 years; • A vulnerable adult; and/or • Associated with the subject
Subject details	Age at time of offence	Enter the age of the subject at the time the offence took place
	Are there any vulnerabilities relating to the subject that the Commissioner should be aware of, including any mental health, behavioural, or substance misuse factors?	Provide details of any known or suspected vulnerabilities affecting the subject, including mental health conditions, learning difficulties, behavioural issues, risk of self-harm or suicide, substance misuse, alcohol dependency, and any relevant PNC warning markers
Were the victim and subject known to each other prior to the incident – if yes, how?	Enter details of the association between the victim and the subject, including how they know each other and, where known, how long for If they are or have been in an intimate relationship, provide details of any children they have together, particularly if the children were affected by or witnessed the alleged offence. Include the children's ages, where known	
What time and date did the alleged offence happen and where?	Time/Date: Enter the time and date the alleged offence took place. If there are multiple occasions the offence took place, then record all dates Location: Only general location details are needed e.g. Victim's home, city centre, night club, shopping centre. Full addresses are not essential	
What are the allegations that have been made. Details should include: • Key or triggering events leading up to the offence • Specific actions or comments made by the subject	Clearly set out a detailed and factual account of the alleged offence, including: • How the matter came to police attention, noting who reported it • What the victim said happened, capturing their account of the incident • A clear chronological account of what is alleged to have occurred, including key and triggering events before, during, and after the incident	

• Impact of offence such as injuries, emotional effects	• For violent offences the type of violence used (e.g., hitting, punching, pushing, use of weapons) and any comments or threats made • For sexual offences clear details of the alleged conduct (e.g., nature of the act, use of force, coercion, consent, or lack thereof), and any relevant comments, threats, or behaviours before, during, or after the incident • Where multiple individuals are involved (e.g., gang-related incidents) clearly describe the subject's specific role and actions within the group (e.g., instigator, participant in violence, presence and encouragement, use of weapons) • Any relevant behaviour after the incident, including attempts to intimidate, contact, assist, flee, or conceal involvement • The impact of the alleged offence, including: ○ Any physical injuries ○ Emotional or psychological effects on the victim or others affected When filling in this section, please avoid using initial abbreviations to refer to the individuals in the case e.g. "AH met GK on this date". Please either use either their full name or suitable titles such as "Victim 1" or "Witness 2"	
Was any evidence identified that supports the allegation against the subject	Evidence	Details
	CCTV	If available provide details of what was seen on the CCTV footage
	Forensics	If applicable, provide details of any forensic evidence linking the subject to the offence. For example, was the subject identified through a DNA or fingerprint match to material recovered from the crime scene, the victim, or a relevant exhibit? Were any links to other offences identified through database checks?
	Digital Evidence	If applicable provide details – this may include phone downloads, messages, call logs, social media, or location data. Screenshots can be shared with OBSCC, but do not send any images of a sexual nature
	Images	If applicable provide details – this may include photographs of injuries, the scene, or damaged property. Images can be shared with OBSCC, but do not include images of a sexual nature
Were there any witnesses? Who are they and how many were there? Give brief overview of what they said.	Other	This may include: - Medical reports (e.g., GP, hospital, or sexual assault referral centre reports) - Body-worn video (BWV) footage - 999/101 call transcripts - Police officer observations at the scene - Safeguarding referrals or risk assessments
	Summarise any witness evidence, setting out the key points of their accounts and any connection they may have to the subject or victim	

How was the subject identified and arrested?	Explain how the subject was identified and the circumstances of their arrest. If applicable, enter details about any significant evidence leading to their identification
Did the subject make any significant points during their arrest or at interview?	Summarise the subject's behaviour and any significant comments made during arrest or interview, including any admissions, denials, explanations, relevant disclosures, or whether they provided a 'no comment' interview
Was an AA present during the interview?	☐ Yes ☐ No This information provides the Commissioner with context about any support the subject required during interview
Any further details you consider relevant to the circumstances surrounding the alleged offence, including weaknesses which would not support retention of biometrics.	Provide any further relevant information about the alleged offence, including any evidential, procedural, or contextual factors that may not support the retention of the subject's biometric material
PRELIM APPLICATIONS ONLY - If Section 6 has been completed, enter the information you want the Commissioner to know but cannot share with the subject. If it also appears elsewhere in the form, highlight it in red text colour	Provide any information you wish the Commissioner to consider that should not be disclosed to the subject. The categories of information that may be included in this section are detailed in Section 6 above. If any of this information appears elsewhere in the form, please highlight it in red text so it can be clearly identified as information that should not be shared with the subject. (As you do not intend to share this information with the subject, it must not be included in the subject notification letter)

Reasons for no further action (NFA)

[Briefly explain why it was decided not to charge the subject. Include references to relevant documents]

Enter details as to why the subject was no further actioned (NFA) (one paragraph would be sufficient). Information may be extracted from reports documenting the decision for NFA. Where relevant, refer to information contained elsewhere in the application

Example set out as below:

In the absence of support from the victim, there is no longer a realistic prospect of prosecution. The victim has withdrawn support for the investigation and provided a retraction statement. Whilst they maintain that their original account was true and accurate, they confirm they are unwilling to engage further with the criminal justice process and will not attend court.

As such, the evidential threshold is not met, and the matter does not meet the criteria for referral to the CPS for a charging decision.

Other arrests / contact with police

[Please give brief details of any other arrests / relevant contact with UK police in chronological order. The subject should be aware of previous allegations that have been made against them so that they can make a fair representation].

Enter details of any other offences and/or relevant contact that the subject has had with the police. This can include non-offending matters for example missing person's report and where the subject may have been a victim. Please state this in chronological order starting with the most recent date

Date of previous reported offence: Enter the date the subject was arrested for the offence

Alleged offence and brief details: Enter the offence for which the subject was arrested or otherwise came to police attention, followed by a brief summary of the circumstances surrounding the allegation

Same or different alleged victim? (If different, state how they are known): If the victim is different to the one for the qualifying offence, please make this known and whether they knew the subject. Please state their age and gender and any other significant characteristics i.e. has mental health or addiction issues

Outcome: State the outcome of the alleged offence and provide the reasoning as to why e.g. The case was NFA due to insufficient evidence

Any details provided above should be included in the subject notification letter so that they are able to make a fair representation

10. Reasons for application

Please explain clearly why the subject's biometrics should be retained. This section should cover:

- **Key reasons why retention is necessary and proportionate** including the seriousness and nature of the alleged offence.
- **Any risk the subject may pose to the public**, such as likelihood of further offending
- How retaining the DNA/fingerprints will assist the **prevention or detection of future crime**

Detailed reasons (approximately 2-3 paragraphs) to demonstrate that there are compelling grounds to believe that the retention of the subject's biometrics may assist in the prevention or detection of crime.

This should include:

The seriousness and nature of the alleged offence, including an assessment of the likelihood that the subject committed the alleged offence based on the evidence available. Please include any aggravating features, victim vulnerabilities, or other factors that support a decision that retention is necessary and proportionate in the circumstances.

The risk posed by the subject, including the likelihood that they will commit similar or equivalent offences in the future and any risk they may present to the public. Violence Against Women and Girls (VAWG)-related considerations should be considered, including any history, pattern, or

indicators of domestic abuse, coercive or controlling behaviour, stalking, harassment, sexual violence, or other conduct that may indicate an ongoing risk to victims or potential victims.

The evidential value of the biometric material, including how the retention of the subject's DNA profile and/or fingerprints may assist in the prevention, detection or investigation of similar offences in the future.

Applications should also explain why the retention of the subject's biometrics is proportionate and why the circumstances are more compelling than those which could be put forward in respect of most individuals arrested but not charged with a qualifying offence.

It is important that the Commissioner is presented with a balanced account of the case. Any information that may weaken or undermine the arguments in favour of retention should also be disclosed, where relevant.

11. Relevant documents attached

- | | |
|--|--|
| <ul style="list-style-type: none">☐ <i>PNC</i>☐ <i>Crime Report</i>☐ <i>Custody Record</i>☐ <i>MG3 (if CPS involved)</i>☐ <i>MG5 (police report to CPS/court)</i>☐ <i>MG11 (witness statements)</i> | <ul style="list-style-type: none">☐ <i>Intelligence Report(s)</i>☐ <i>Electronic transcripts e.g. phone message records</i>☐ <i>Images of injuries</i>☐ <i>CCTV Stills</i>☐ <i>Medical reports</i>☐ <i>Forensic reports</i>☐ <i>Other</i> (Give details: Click or tap here to enter text.) |
|--|--|

Please indicate which documents are attached to the application. Key points from supporting documents should be included within the BC1, and any documents referred to in the BC1 should be attached to the application.

FAQ's & guidance on making a s.63G application

Assessing Necessity, Proportionality and Risk

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Assessing Necessity, Proportionality and Risk

1. How should victim safeguarding considerations, including those arising in Violence Against Women and Girls (VAWG) cases, be reflected in a s.63G application?

The OBSCC does not assess or determine the level of risk associated with victim safeguarding concerns or Violence Against Women and Girls (VAWG) related information; responsibility for risk assessment and any subsequent action remains solely at the discretion of the relevant police force.

While the OBSCC does not undertake risk assessments, it has seen cases where victims, particularly in Violence Against Women and Girls (VAWG) related matters, may be at significant risk of harm. Forces should consider whether there are any victim safeguarding implications arising from the submission of a s.63G application and determine, in accordance with their own policies, procedures, and risk assessment processes, whether it is appropriate to proceed. This may include consideration of whether making an application could itself increase the risk to a victim, for example by creating a possibility that the victim may be identified, exposed, or otherwise placed at greater risk. In some cases, forces may conclude that the anticipated benefit of retention does not outweigh the risk to the victim and may decide not to pursue an application. Where a force considers that information relevant to an application cannot safely be disclosed to the subject because doing so may increase the risk of harm to a victim or prejudice safeguarding measures, it may wish to consider whether a preliminary application is appropriate. Please see **question 11** for more information regarding preliminary applications.

2. Should a force make an application if there is only a short retention period remaining?

Forces should carefully consider whether it is necessary and proportionate to seek retention of biometric material where only a short period remains before the statutory retention period expires. This is most likely to arise where the subject is NFA'd more than two and half years after the biometric material was taken, leaving less than 6 months of the standard retention period remaining, noting the facility to seek a 2-year extension of retention from a District Court.

Forces should consider the practical benefit that would be gained from any additional period of retention in the circumstances of the case. In reaching this decision, forces should consider factors such as the seriousness of the alleged offence, the risk posed by the subject, the likelihood that retention may assist in the prevention or detection of crime.

Where there has been a significant period between the taking of biometrics and the NFA decision, the Commissioner is also likely to expect information about the subject's conduct during that period, including whether they have come to police notice for any further offending or relevant incidents.

Preparing, Authorising and Managing Applications

3. Does the 28-day deadline for submitting a s.63G application mean 28 calendar days or 28 working days?

A s.63G application should be submitted to the OBSCC within 28 calendar days from the date of the decision made to take No Further Action (NFA) in relation to the qualifying offence.

For example, if the NFA decision is made on 1 January, the application should be submitted no later than 29 January, regardless of weekends or public holidays falling within that period. To prevent the automatic deletion of biometric material, forces should ensure that a UZ marker is applied to the subject's PNC record within 14 days of the NFA decision date.

Forces should ensure that internal review and approval processes allow sufficient time for applications to be completed and signed off by the chief officer within the 28 days. Applications submitted to OBSCC outside the 28-day period will not be accepted unless there are exceptional circumstances explaining the delay.

Where a force anticipates that an application will be submitted late, they should contact the OBSCC at the earliest opportunity and provide a full explanation for the delay so that this can be considered.

4. How much information should be included in the application form where supporting documents are attached?

The BC1 application should contain all information relied upon by the force in support of the retention of biometrics. The application form should provide a clear and self-contained summary of the case in particular regarding the circumstances of the alleged offence.

Supporting documents should be used to supplement the application rather than replace it. Important information contained within crime reports, witness statements, custody records, intelligence reports, or other supporting documents should be summarised within the relevant sections of the BC1 application form.

The OBSCC does not routinely review supporting documents in detail. Forces should therefore ensure that any information material to the application is clearly set out in the BC1 itself, as information contained only within supporting documents may be overlooked and not considered.

5. Can a temporary Assistant Chief Constable (ACC) sign off a s.63G application?

Applications should normally be authorised by an officer holding the rank of an ACC, Commander or above. An officer may sign the application when substantively performing the role on temporary basis i.e. exercising the full set of functions and responsibilities. It is not sufficient for an individual of a lower rank to be appointed solely to approve or sign s.63G applications; the authority to sign must arise from holding, or formally covering, the relevant role itself. Forces should ensure that the signatory's authority is clear from the application documentation.

6. What should a force do if circumstances change after the application has been submitted?

Forces should notify the OBSCC as soon as reasonably practicable if there is a material change in circumstances that may be relevant to the Commissioner's assessment of the application.

Examples may include:

- Confirmation of a foreign conviction
- The subject being charged in relation to the qualifying offence.
- The subject being arrested for further offences.

- Relevant safeguarding information becoming known.
- Information previously believed to be accurate being found to be incorrect.

Any additional information should be provided in writing by email and should explain how the change impacts upon the application. The Commissioner may take such information into account when considering whether the continued retention of the biometric material is necessary and proportionate

Forces should ensure that the OBSCC is kept informed of any significant developments until a decision has been made on the application.

7. What happens if the subject was under 18 when the offence was committed but is now over 18?

If the subject was under 18 at the time of the alleged offence but is aged 18 or over when the s.63G application is submitted, they should be treated as an adult for the purposes of the application process. All correspondence and notifications should normally be sent directly to the subject and there is not a requirement to involve an Appropriate Adult (although the force can contact an Appropriate Adult if they consider there is a need to).

8. What happens if a force does not provide requested additional information?

The OBSCC will normally triage applications within three working days of receipt. Where additional information, clarification, or amendments are requested, forces should respond within the timeframe specified by the OBSCC. If the outstanding issues are not resolved and the application has not been brought to the required standard within one month of its initial submission, it may be withdrawn and closed by the OBSCC.

Subject Notification and Representations

9. Should an Appropriate Adult be considered where the subject is a vulnerable adult?

For subjects under the age of 18, police forces are required to notify an Appropriate Adult (AA) about the application. However, there is no equivalent mandatory requirement for adult subjects who may be vulnerable.

Where the subject is aged 18 or over and has a vulnerability, consideration should be given to whether involving or notifying an Appropriate Adult would assist the subject in understanding the s.63G application process and exercising their right to make representations. This may be particularly relevant where the subject required an Appropriate Adult during the police investigation or interview.

The OBSCC is aware that there may be practical limitations to involving an Appropriate Adult in every case. Whilst an Appropriate Adult may have supported a subject during a police interview, that individual may have been provided through a third-party scheme, may have had only a single interaction with the subject, or may have no continuing role or relationship with them. As a result, an Appropriate Adult who was involved during the investigation may not necessarily be notified of, or involved in, the s.63G application process. In addition, adult subjects may not wish for information about the application to be shared with others.

10. What is a Holding Letter?

A holding letter allows a chief officer to preserve their ability to submit a s.63G application while the subject has a pending non-qualifying offence, providing another lawful basis for retaining the subject's biometrics.

For example:

The subject has been charged with a non-qualifying offence.

- a. *Their biometrics may be retained until the associated court proceedings have concluded. If the subject is convicted and is aged 18 or over, their biometrics may then be retained indefinitely.*

The subject is under investigation for a non-qualifying offence.

- b. *Their biometrics may be retained under section 63E of PACE until the investigation has concluded.*

In these circumstances, the chief officer should write to the subject within 28 days of the decision to take no further action (NFA) in respect of the qualifying offence, informing them that a s.63G application may be submitted depending on the outcome of the separate non-qualifying offence. A copy of the holding letter should also be sent to the OBSCC.

Where a holding letter has been issued, the Commissioner may accept a s.63G application submitted after the 28-day notification period relating to the qualifying offence has expired, provided there remains a lawful basis for retaining the subject's biometrics at the time the application is made.

Please note: Where a subject has received a NFA for one qualifying offence, but another qualifying offence remains under investigation or otherwise unresolved, any subsequent s.63G application should be made only in relation to the unresolved qualifying offence. The application should be submitted only once a decision has been taken to take no further action in that case.

11. What is a preliminary application?

A preliminary application is appropriate where the force holds information that is relevant to the case but cannot be disclosed to the subject (therefore it is omitted from the subject notification letter). When a preliminary application is being submitted, the subject's notification letter should not be sent out until it is approved by the OBSCC. Sections 6 and 9 of the BC1 have boxes for the inclusion of such information. Any reference to this information elsewhere in the application should be clearly highlighted in red font.

Examples of information that may justify a preliminary application include:

- Information that could compromise intelligence sources or operational tactics if disclosed.
- Details that could jeopardise an ongoing investigation.
- Information that may endanger a victim, witness, or other vulnerable person.
- Sensitive internal assessments relating to risk, safeguarding, or threat management.
- Information received under confidentiality agreements with partner agencies.
- Allegations, intelligence, or reports that have not previously been disclosed to the subject.

12. What information should be included in the subject notification letter?

Forces should use the standard notification letter template when informing a subject of a s.63G application. Editable templates are available from the OBSCC. The notification letter should include:

- The proposed retention end date.
- Details of the subject's right to make representations to the Commissioner.
- The date by which any representations must be received.
- The qualifying offence to which the application relates.
- A general explanation of why continued retention is being sought.
- Any supporting information that the force intends the Commissioner to rely upon, unless there is a lawful basis for withholding that information through the preliminary application process.

The letter should be clear, accurate and proportionate, enabling the subject to understand the nature of the application and exercise their right to make representations.

13. Can the OBSCC check notification letters before they are sent?

Yes. The OBSCC can review notification letters before they are sent to a subject. This can be particularly helpful where a force is unsure whether the proposed letter provides sufficient information about the application or where there are concerns about the level of disclosure that should be given to the subject.

Forces are encouraged to seek advice from the OBSCC where they are unsure whether a notification letter contains the required information or appropriately reflects the contents of the application. Early engagement can help avoid delays later in the process.

Where a notification letter contains significant inaccuracies, omissions, or is inconsistent with the application, the force may be required to issue a revised notification letter and provide the subject with a further opportunity to make representations. This can result in additional work for the force and may delay consideration of the application. Seeking OBSCC input at an early stage can therefore help ensure that notification letters do not need to be reissued.

14. What steps should forces take to ensure the subject receives the full 28-day period to make representations?

Forces will have their own processes and timescales for issuing notification letters. However, they should take all reasonable steps to ensure that the subject is afforded the full 28-day period in which to make representations. Where service is by post, forces should take account of the time required for delivery and make every effort to avoid reducing the period available to the subject for submitting representations. Where notification letters are sent by post, recorded delivery is preferable, as there have been occasions where subjects have subsequently claimed not to have received their notification letter.

To ensure a subject receives the full 28-day period to make representations, the deadline for representations should be calculated from the date that the letter would be received by the subject, rather than the date of posting. Where a letter is sent by first-class post, it is ordinarily expected that the subject will receive the letter two working days after posting.

Example: If a notification letter is sent on **1 September 2026**, it should have a representations deadline of **1 October 2026**, ensuring they receive the full 28-day response period.

Where a force holds a current and active email address for the subject, it may consider sending the notification letter by email. As delivery is generally immediate, this may assist in ensuring that the subject receives the full 28-day period in which to make representations, particularly where notification letters require review or amendment before issue. Forces should be mindful that sending an email does not guarantee that it has been received or read and may therefore wish to serve the notification letter by both email and post where appropriate. Where service is affected by email, the force should provide the OBSCC with the email address used for service and retain a record of the date and time the notification was sent.

15. Is it possible for forces to extend the biometric retention past the 3 years approved by the Commissioner?

Yes. Under section 63F of PACE, the retention of biometric material under s.63G may be extended beyond the normal three-year period by a court order.

A Chief Officer of Police may apply to a District Judge for an order extending the retention period. The application must be made during the three months immediately preceding the end of the normal three-year retention period. If granted, the order permits retention for a further two years from the expiry of the original retention period.

The OBSCC has no statutory role in this process and is not required to be notified of applications or orders. However, it is helpful for forces to inform the OBSCC of any extensions granted so that they can be referenced in the annual reports published by the Commissioner.

16. Are forces allowed to submit s.63G PACE applications in relation to biometrics that have previously been retained under other PACE provisions?

Yes. Chief Officers may make applications on this basis. Section 63P of PACE 1984 permits the retention and use of DNA profiles and fingerprints in connection with an offence that is different from the one in relation to which the material was originally taken or retained.

Consequently, a force may lawfully retain an individual's biometrics for three years under s.63F(4) PACE (where a person has been charged with, but not convicted of, a qualifying offence) and subsequently apply to retain the same biometrics under s.63G for a further three years, provided that the statutory requirements for a s.63G application are met.

It is important to note that retention under s.63F(4) does not automatically entitle a force to further retention under s.63G. Any application must satisfy the relevant statutory criteria and be considered on its own merits.

Section 63P was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 to avoid the need for police to obtain a fresh sample where an adequate sample already exists. The explanatory notes to that Act provide further background on the purpose of this provision.

17. How should forces determine the appropriate retention basis where a subject has been NFA'd for one qualifying offence, but has also been charged, and not convicted, for a separate qualifying offence?

There may be cases where a subject has been NFA'd for a qualifying offence that forms the basis of a s.63G application but has also been charged in relation to a separate qualifying offence and is not convicted. In these circumstances, the force should consider whether retention under s.63G or s.63F would provide the longer retention period. This will depend on the date on which the subject's DNA profile and fingerprints were taken in relation to the charged qualifying offence.

Charge predates the current qualifying offence arrest, and the case is closed (no conviction)

→ A s.63G application may be made. The retention period arising from the current qualifying offence arrest would extend beyond the retention period associated with the earlier charge.

Charge predates the current qualifying offence arrest, and the case remains ongoing

→ A s.63G application may be appropriate. If the charged offence results in no conviction, the retention period linked to that charge would be shorter than the retention period that could be obtained through a s.63G application.

Charge post-dates the current qualifying offence arrest and the case is closed (no conviction)

→ A s.63G application would not provide any additional retention benefit. The retention period associated with the later charge would extend beyond the retention period available from the current qualifying offence arrest.

These scenarios are illustrated in the following diagrams on the next page.

Charge predates the current qualifying offence arrest, and the case is closed (no conviction)



Charge predates the current qualifying offence arrest and the case remains ongoing



Charge post-dates the current qualifying offence arrest and the case is closed (no conviction)

