



9th December 2008

Dear Chief Officer,

S & MARPER – EUROPEAN COURT RULING 4TH DECEMBER 2008

Lines to take

Following the above ruling it has become public knowledge that the European Court of Human Rights unanimously held in this particular case, against the retention of fingerprints and DNA of persons suspected but not convicted of offences. Accordingly, the Court determined that the retention in the case of S & Marper constituted a disproportionate interference with the individual's right to respect for private life and could not be regarded as necessary in a democratic society. Accordingly the Court concluded unanimously that there had been a violation of Article 8 in respect of this case (the right to respect for private and family life).

The Government is expected to provide a considered response to this ruling, which is currently under consideration by their Lawyers.

Whilst this judgement has gone against the Government, it does not have any impact on the current retention fingerprint and DNA policy until the law is changed by Parliament. It therefore follows that the current legislation and procedures remain unaffected by this ruling.

Individuals who consider that they fall within the ruling in the S & Marper case should await the full response to the ruling by Government prior to seeking advice and/or action from the Police Service in order to address their personal issues on the matter.

Once the legal interpretation has been established, further advice will be provided via the ACPO Criminal Records Office.

Yours faithfully,

ACPO Criminal Records Office