Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

9 March 2006 [shall come into force on 6 April 2006];

16 June 2010 [shall come into force on 20 July 2010];

12 May 2016 (Constitutional Court Judgment) [shall come into force on 12 May 2016];

2 March 2017 [shall come into force on 28 March 2017].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on the Development and Use of the National DNA Database**

**Chapter I**

**General Provisions**

**Section 1.** The following terms are used in this Law:

1) **biological material**– parts of human tissue or organs and body fluids which contain cells with deoxyribonucleic acid in the nuclei thereof [blood, saliva, semen, sweat, urine, soft tissue (such as muscles), bones, hair with their the outer root sheaths of the hair bulbs];

2) **biological stains**– biological material collected at the crime scene, at the place of residence of a missing person, from the victim, person detained, suspected, or accused or clothes thereof, from a corpse, as well as from other types of material evidence;

3) **DNA**– a part of the deoxyribonucleic acid molecule which indicates the genetic information of identifying features of a human;

4) **DNA profile**– a computer-readable result of the genetic analysis of DNA;

5) **genetic analysis of DNA**– a scientific analysis of the biological material to determine the DNA profile of the sample under examination;

6) **reference samples**– the biological material taken from victims, detained, suspected, accused or convicted persons, from unidentified bodies, biologically close relatives of missing persons (children, parents) to determine the source of biological stains, identify a missing person or an unidentified body;

7) **information**– the given name (names), surname, or personal identity number of a person, the registration number of the incident records, the number of the investigatory records case or criminal case, the name of the institution in which the incident or case has been registered, and the amount and type of the biological material.

[*9 March 2006*]

**Section 2.** The purpose of this Law is to develop the National DNA database that can be used to detect criminal offences, search for missing persons and identify non-identified bodies (material of a corpse), and also to determine and regulate the exchange of the results of DNA genetic analysis with foreign countries and international organisations.

[*16 June 2010*]

**Section 3.** (1) It is prohibited to discriminate against a person in any way in relation to the origin of his or her DNA and any other data resulting from the genetic analysis of DNA.

(2) The analysis of reference samples and biological stains shall be performed by certified experts of the State expertise institutions with appropriate knowledge and experience of at least one year in the relevant area.

(3) The analysis of reference samples and biological stains is permitted only for the purpose of acquiring scientifically substantiated information.

**Section 4.** Information on the DNA profiles and information on persons who are suspected, have been accused or have been convicted, on unidentified bodies, on persons missing in the Republic of Latvia and on biological stains shall be compiled and stored in the National DNA database.

[*9 March 2006*]

**Section 5.** The holder of the technical resources of the National DNA database is the Information Centre of the Ministry of the Interior.

**Section 6.** The manager and the holder of the information resources of the National DNA database is the Forensic Department of the State Police (hereinafter – the Forensic Department).

**Section 7.** The maintenance, use and up-grading of the National DNA database shall be financed from the State budget funds provided for such purpose.

**Section 8.** Information on the citizens and non-citizens of Latvia convicted in other countries, the foreigners who have received a permanent residence permit in Latvia, stateless persons and refugees and information on their DNA profiles shall be entered in the National DNA database in accordance with the international agreements binding on the Republic of Latvia.

**Chapter II**

**DNA Profiles and Information to be Entered in the National DNA Database**

**Section 9.** If biological stains have been collected at the crime scene and DNA expert examination has been determined, the following information shall be entered in the National DNA database:

1) the registration number of the incident records or the number of the criminal case;

2) the date when the criminal offence has been committed;

3) the name of the institution which has registered the incident, criminal case and in the proceedings of which is the criminal case;

4) the number and type of biological stains;

5) the DNA profile.

[*16 June 2010*]

**Section 10.** The following information shall be entered in the National DNA database on a suspect or a person convicted or accused of commission of a criminal offence:

1) the given name (names) and surname of the person;

2) the personal identity number (for foreigners and stateless persons – the date of birth);

3) the nationality and type thereof;

5) the criminal case number (numbers);

5) the name of the institution from which the reference sample has been taken and the type of the sample;

6) the given name (names) and surname of the person who has taken the reference sample;

7) the DNA profile.

[*9 March 2006*]

**Section 11.** The following information shall be entered in the National DNA database on an unidentified body (material of a corpse):

1) the registration number of the incident records or the number of the investigatory records case or criminal case;

2) the date when an identified body has been found;

3) the name of the institution in the proceedings of which is the investigatory records case or criminal case;

4) the type of the biological material;

5) the DNA profile.

**Section 12.** (1) The following information on a missing person shall be entered in the National DNA database:

1) the given name (names), surname and personal identity number of the missing person;

2) the given name (names), surname and personal identity number of biologically close relatives of the missing person;

3) the number of the investigatory records case or criminal case;

4) the name of the institution in the proceedings of which is the investigatory records case or criminal case;

5) the DNA profiles of biologically close relatives of the missing person.

(2) The following information shall be entered in the National DNA database if biologically close relatives of a missing person cannot be identified or they refuse to give the reference samples:

1) the given name (names), surname and personal identity number of the missing person;

2) the number of the investigatory records case or criminal case;

3) the name of the institution in the proceedings of which is the investigatory records case or criminal case;

4) the list of those personal belongings of a missing person from which the biological material has been obtained;

5) the type of the biological material;

6) the DNA profile.

(3) Close relatives of missing persons shall give the reference samples and information for entry in the National DNA database in free will, giving a written consent to the processing of data in accordance with the procedures specified by the Cabinet.

**Section 13.** (1) Collection of biological material and biological stains, as well as timely provision of the Forensic Department with information for its entry in the National DNA database in accordance with the procedures specified by the Cabinet shall be ensured by:

1) investigative institutions;

2) the Prison Administration;

3) institutions of the Prosecutor’s Office;

4) courts;

5) medical treatment institutions or medical practitioners.

(2) The institutions and persons referred to in Paragraph one of this Section shall be responsible for collecting biological material and biological stains and also for the timely provision of information and the conformity of such information to the certifying documents thereof.

[*9 March 2006*]

**Section 14.** The Forensic Department is entitled to request and receive the biological material, stains of biologic origin, DNA profiles and information from the State and local government institutions free of charge.

**Chapter III**

**Provision of the Information Entered in the National DNA Database**

**Section 15.** The DNA profiles and information to be entered in the National DNA database shall be restricted access information.

**Section 16.** (1) The right to receive information from the National DNA database is given to investigatory institutions (with the consent of a prosecutor), institutions of the Prosecutor’s Office and courts for the pre-trial criminal procedures, examination and trial of cases.

(2) In order to receive information from the National DNA database, a substantiation of the need for the information shall be indicated in the request.

(3) The information and amount thereof, as well as the procedures for the examination of the request and provision of information to be entered in the request and its substantiation shall be determined by the Cabinet.

(4) The Forensic Department shall inform in writing the requester of the expert examination of the matches found in the National DNA database which have been determined in the process of the DNA genetic analysis of biological material and biological stains during the expert examination.

[*9 March 2006; 16 June 2010*]

**Section 17.** (1) The information entered in the National DNA database may be provided to foreign law-enforcement institutions in cases and under the procedures provided in the international agreements binding on the Republic of Latvia or the legal acts of the European Union.

(2) A translation into the official language shall be ensured for the DNA profiles and information received from foreign law-enforcement institutions.

[*16 June 2010*]

**Chapter IV**

**Storage Periods of the DNA Profiles and Information entered in the National DNA Database**

**Section 18.** (1) The DNA profiles and information on suspected or accused persons shall be, when criminal proceedings have been terminated completely or against the relevant person on the basis of exonerating circumstances or the decision by which the respective person has been recognised as a suspect or accused has been cancelled on the same basis and also when a judgment of acquittal has entered into effect, deleted from the National DNA database immediately after coming into effect of the respective ruling.

(2) The DNA profiles and information on convicted persons and also persons against whom criminal proceedings have been terminated on the basis of non-exonerating circumstances shall be stored in the National DNA database for 75 years.

(3) The DNA profiles and information on unidentified corpses and missing persons shall be stored in the National DNA database for 75 years or until the moment when the corpse or persons are identified.

(4) The DNA profiles and information on biological stains shall be stored in the National DNA database for 75 years or until the moment when the biological stains are identified.

(5) After the expiry of the storage period, the DNA profiles and information shall be destroyed, and an act shall be drawn up thereon.

[*16 June 2010; 2 March 2017*]

**Section 19.** When the DNA profile and information of a person is deleted from the National DNA database in accordance with Section 18 of this Law, the Forensic Department shall destroy the biological material sample of the relevant person that has been handed over to the Forensic Department.

[*2 March 2017*]

This Law shall come into force on 1 January 2005.

This Law has been adopted by the *Saeima* on 17 June 2004.

President V. Vīķe-Freiberga

Rīga, 7 July 2004