

417**ACT**

of 21 June 2002

the use of deoxyribonucleic acid analysis to identify persons

National Council of Slovak Republic has adopted this Act:

§ 3
Sampling

§ 1
Subject law

This law regulates

- a) the conditions of sampling for analysis of deoxyribonucleic acid,
- b) the competence to carry out the analysis of deoxyribonucleic acid,
- c) the establishment of a national database of profiles of deoxyribonucleic acid (hereinafter the "database") and processing data from the database.

§ 2
Definitions

For the purposes of this Act

- a) a sample of biological material derived from the human body,
- b) analysis of deoxyribonucleic acid, the process of analyzing samples by methods of molecular biology and genetics performed in non-coding segments of deoxyribonucleic acid molecules containing no information about specific hereditary characteristics,
- c) deoxyribonucleic acid profile results from the analysis of deoxyribonucleic acid in the form of an alpha-numeric code
- d) ensuring samples secured at the crime scene or at another location which has links with crime, a sample has been collected in connection with search for missing person in connection with the identification of persons,
- e) identification of individual persons to identify a person, a corpse or separate parts of the human body.

- (1) samples, for the purpose of analysis of deoxyribonucleic acid are taken from:
- a) a person, if so provided by special law regarding the identification of persons for the purpose of criminal proceedings, the search for missing persons and identifying persons of unknown identity to the tasks of law enforcement, Police and Railway Police,
 - b) a person in prison, for whom sampling is required,
 - c) biological parents, children and other relatives of disappeared persons, if the search for the missing person.

(2) Persons under paragraph 1. c) sample can be taken only with the prior written consent or prior written consent of their guardian.

(3) Sampling carried out by the Police Force and the Railway Police (hereinafter "Policeman"), or authority acting in criminal proceedings may be carried out sampling a person alone in the presence of police authority or law enforcement. If the sample whose collection of bodily integrity is violated or that a person is taken from intimate body parts, the collection made on the written request of police authority or law enforcement agency medical staff. Sampling is carried out in a way which will not endanger the health of its people or humiliate human dignity.

§ 4
Analysis of deoxyribonucleic acid

- (1) Analysis of deoxyribonucleic acid is carried out
- a) a sample taken under § 3,
 - b) from the seized samples.

(2) Analysis of deoxyribonucleic acid is carried out with at least eight polymorphic deoxyribonucleic acid systems, which are listed in the Annex 1.

(3) Analysis of deoxyribonucleic acid, carries
a) Ministry of Interior of the Slovak Republic through its service it, which is registered in the list of institutes and other sites that specialize in expert activity (hereinafter referred to as the "designated body"), or
b) other legal or natural person who is entitled to expert activity.

(4) The designated department will analyze deoxyribonucleic acid from the sample taken pursuant to § 3. 1 or from the seized samples and, upon written request of a natural person or legal entity to which the offense or the search for the missing person; analysis is performed for consideration under a special regulation. Persons designated section of the application fails if the application is the analysis of deoxyribonucleic acid, the samples that had previously designated section analysis for law enforcement proceedings, the Police Force or to the railway police.

(5) the sample for analysis of deoxyribonucleic acid, where the number of permits are divided into two parts. One part of the sample is analyzed, the second portion to aid in the review report held responsible for the accuracy of the department or other legal entity or natural person who carries out analysis of deoxyribonucleic acid.

(6) The designated department to other legal or natural person that holds a sample for examination if required by the accuracy, sample shall be protected against theft, loss, damage or destruction. This also applies to a sample that has not been distributed pursuant to paragraph 5(7) A legal person or natural person under paragraph 3. b) communicate the result of analysis of deoxyribonucleic acid, a database administrator within seven days of its execution. A model notice is given in Annex. 2

§ 5

Database

(1) database set up, operates and manages the Police Force.

(2) The database contains profiles of deoxyribonucleic acid samples

a) secured in place of the offense or at another location, which has links with crime,

b) taken from the persons referred to in Article 3. 1 paragraph. a) and b),

c) taken from the persons referred to in Article 3. 1 paragraph. c) and samples seized in connection with searches for missing people, these profiles are used only in search for missing persons and identifying unknown persons' identity.

(3) The database is also

a) deoxyribonucleic acid profiles provided by international treaty binding the Slovak Republic,
b) details of the person whose profile

deoxyribonucleic acid was found in:

1. name,
2. date and place of birth,
3. identification number, or number of travel document
4. residential address,
5. nationality,
6. other data characterizing a person

c) details of the crime or detection, for which the deoxyribonucleic acid profile found.

§ 6

Privacy in database

Police Force is obliged to protect data stored in the database against theft, loss, damage, destruction, unauthorized access, alteration or extension.

§ 7

Providing data from the database

The database is part of the information systems of the Police Force and providing data from this database is regulated by a special law.

§ 8

Disposing of data from the database

(1) The designated department eliminated from the database data

a) the person

1. against whom prosecution was discontinued because it is undisputed that has not become an act for which criminal prosecution, or that it is this act of crime and there is no reason for referral,
2. who was acquitted on the grounds that there was no evidence that he became an act for

which the accused is prosecuted, or that it is this act of crime,

b) the convicted person, the person against whom a criminal prosecution is inadmissible, the person against whom prosecution was discontinued on the grounds that the accused was at the time an act of insanity to criminal liability, and the person who was acquitted on the grounds that the accused is not criminally responsible for the insanity, after one hundred years since its birth.

(2) Unless otherwise provided in paragraph 1 hereof, shall apply to data destruction provisions of a special law.

(3) The authority law enforcement, which resulted in criminal proceedings relating to a person whose

profile deoxyribonucleic acid is stored in the database is required to this effect within three working days after the end of criminal proceedings, inform the designated section.

(4) The authorized department shall ensure the destruction of data of a legal person or natural person who has carried out an analysis of deoxyribonucleic acid, but this is required to dispose of stored samples within seven days of receipt.

§ 9

Force

This Act comes into force on 1 January 2003.

Jozef Migaš v. r.

Mikuláš Dzurinda v. r

Annex. 1
the Act. 417/2002 Z. z.

Polymorphic systems

Polymorphic systems of deoxyribonucleic acid, which is carried out by analysis of deoxyribonucleic acid:

D3S1358

VWA

D8S1179

D21S11

D18S51

HUMTH01

FGA

Amelogenin to determine gender

Annex. 2
the Act. 417/2002 Z. z.

Result analysis of deoxyribonucleic acid

Department carrying out the analysis (the exact name and address):

Our figure

To carry out an analysis

Et cetera...