

## RATIFIED DOCUMENT

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<p><b><u>ASSOCIATION OF CHIEF POLICE OFFICERS OF ENGLAND, WALES AND NORTHERN IRELAND</u></b></p> <p><b><u>NATIONAL DNA DATABASE STRATEGY BOARD</u></b></p> <p><b><u>OPEN MINUTES</u></b></p>			

<b>DATE:</b>	8 September 2005
<b>LOCATION:</b>	Lincolnshire Police Headquarters
<b>CHAIRMAN:</b>	Mr Tony Lake, Chief Constable, Lincolnshire

**ATTENDANCE**

Mr. A. LAKE	Chief Constable, Lincolnshire Constabulary
Mr. S. HYDE	ACC, West Midlands Police
Mrs. J GUINNESS	Representing Custodian, NDNA Database
Dr. S. BAIN	Human Genetics Commission
Mrs. L. FEREDAY	HO Science Policy Unit
Mr. K. CURTIS	APA Representative
Mr. D. PEARSTON	Scottish DNA Database Manager

**1** **APOLOGIES**

Dr Bob Bramley	Custodian, National DNA Database
CC Ian Gordon	ACPOS
Insp Katrina Morton	Staff Officer to Chair
Dr Alaster Smith	HO Science Policy Unit

**2** **MINUTES OF THE MEETING HELD ON 26 MAY 2005**

The minutes were approved as an accurate record of the meeting held on 26 May 2005.

All previous draft copies of the minutes and tape records of the meeting held on 26 May 2005 should be destroyed.

**3** Matters arising.

3/33/7.2 June advised that Bob Bramley had not received any further proposals from the FSS to take forward to the Information Commissioner. Agreed it was discharged.

3/34.9 June Guinness confirmed that Bob Bramley had prepared a report for the suppliers about the reasons for the retention of samples. Discharged.

3/4(1) The minutes of the HGC meeting had been agreed by the Home

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Office but not circulated as yet.

**Action: Lyn Fereday to speak to Alaster Smith about the status of those minutes.**

- (2) Steve Bain advised that Alaster Smith had drafted a letter to send to Baroness Kennedy on behalf of the Board, but Steve had asked for some amendments. Alaster had said that there was some debate as to whether the Ethics Board's title would change and a decision was awaited on that.
- Lyn Fereday confirmed that it has been agreed in principle that all patents are owned by the Home Office, unless it can be demonstrated that it is a post 'privatisation' announcement development.

Lyn Fereday confirmed that a paper on the NDNADB had been circulated and comments received on that, however Alaster Smith was not present to give an update.

**Action: Alaster Smith to give an update at the next meeting of the DNADB.**

Lyn Fereday advised that the principles of the DNADB website had been accepted. The website would be the home of the DNA Good Practice Guide.

Lyn Fereday confirmed that Dave Moore had been contracted to produce a Policy Log for the Board. The Policies would also be reviewed for race relations legislation compliance.

3/7.2 The Annual Report was to be discussed as an agenda item at 7.4.

**Action: Discharged.**

3/7.3 June Guinness gave an update on the DNA kit provider. She advised that Bob Bramley had replied to Adrian Jones and the comments had been fed back to Stuart Hyde.

**Action: Discharged.**

3/7.6 June gave an update on remote access. Bob Bramley had written to the FSS for their view on the written report on access to viewing DNA.

**Action: It was agreed that this should come back before the Board for consideration as an interim solution.**

June advised that the FSS would be marketing the PLS and the 'Lab in a Van'. The results of these tests were being passed to the Custodian Team to see whether the demand for these services could be met. The Chair gave details of the trial in relation to Lab in a Van in Lincolnshire and Stuart Hyde asked for an evaluation on that trial.

**Action: It was agreed that Stuart Hyde would contact Mick Carling, SSM for Lincolnshire Police, to speak about the recent trial of 'Lab in a Van' in Lincolnshire.**

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June said that there had been some lessons learned from the Lab in a Van trial and she had been notified that the FSS would be looking for validation for loading profiles directly onto the database.

**Decision: It was agreed that the Board would not release a mirror image of the database because of the potential risk to the external security of the database.**

#### 4. Governance Arrangements

4.1 Lyn Fereday gave an update on the governance arrangements. A submission had been accepted and the Cabinet had suggested that the Board would be a Non-Departmental Public Body (NDPB).

A discussion took place in relation to this. Steve Bain understood that the issues of lay membership and voting may be affected by the board becoming an NDPB. It had been agreed that the HGC should nominate two people for membership of the Board since appointment to the HGC is through an open selection process. Professor Bain did not feel that non-voting rights would be an issue so long as open minutes of any HGC criticism of Board decisions were guaranteed.

The Chair asked that a message be conveyed to Alaster Smith to say that all NDNADB meetings must continue to be held as scheduled and should not be postponed for any reason until all the loose ends surrounding the constitution of the NDNADB had been resolved. He requested Alaster Smith contact him to give him a briefing note on the latest development and copy this to all members of the Board. The Chair also stated that all governance issues should be resolved by October 2005.

**Action: Solicitors advice to be sought as to the implications of the Board being a NDPB**

**Action: Alaster Smith to prepare a briefing note for use by the Board.**

#### 5. Policy Issues

5.1 Lyn Fereday gave details of a draft policy setting out proposals to charge suppliers and forces for the time spent reconciling data which was outside the remit of this Board. The DQIT had been tasked with additional work which was more time consuming. Endorsement was sought on the charging proposal. **The Board agreed this and stated that this should be implemented as soon as possible**

**Action: Chair to write to suppliers/forces in relation to the charging proposals.**

#### 6. Scottish Executive Consultation

6.1 The Chair explained that he had received an email from the Project Team asking if they could make an approach to the Scottish Executive with a view to offering an account of the UK's experience so far. After a discussion it was agreed that this was acceptable and that the team should contact the ACPOS representative on forensics for an introduction to the Executive. Doug Pearston advised that he would be happy to facilitate

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this.

**7. Custodian Issues****7.1**

The Exception report was discussed at length. June advised that this would be the final time the report was prepared in this particular format. The KPIs which had been listed were to be replaced with new KPIs, and discussions were continuing with the Home Office in relation to these, with a view to them being agreed by the end of September 2005. They will then be forwarded to the Board. **It was agreed that these would be discussed at the next Board meeting.**

Part of the report focussed on management information and the future format for that was yet to be agreed. Lyn felt that it was more important that the Board was informed of the KPIs than the management information. The Chair replied by saying that the Board needed the management information to be satisfied that the service delivered was maintaining high standards.

Steve Bain said that he agreed with the Chair in that the report to the Board should give an overview of performance. The report to the Ops Group should contain more detailed information.

June asked whether the Board agreed with the format of the report in principle, and the Board confirmed that they did, and June advised that more a more detailed report would be supplied to the Ops Group.

The Chair added that the Board should be appraised of the performance of individual suppliers, and that forces were entitled to that sort of information as they were paying for the services supplied.

**The Board agreed in principle to open disclosure of Supplier Performance to forces.**

The Board then went through the report. This was the final time it would include the records relating to 'retained acquittals' as once the PNC weeding was switched off there would be no means of providing that data.

The Chair raised an issue in the report which advised that 25,000 sample profiles were being investigated due to load failures. Concerns were expressed in relation to this. The DQIT were carrying out investigations and would expedite the loading of these profiles.

A report was requested from the Custodian in which the DQIT team would contribute, giving an assessment of causes, potential problems and solutions together with the implications of these load failures. The Chair said he would wish to be reassured that there would be no repetition of this situation in the future. Lyn Fereday agreed to contact the DQIT and explain the situation with a request for them to contact Stuart Hyde.

**Action: Custodian to prepare a report on the load failures for the Chair and Stuart Hyde to speak to the DQIT about this.**

June also raised an issue in relation to 'near miss reports', some of which were still outstanding, although suppliers were working through the backlog. The Chair said that the Custodian should be open and honest

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about the outstanding near miss reports so that suppliers and forces could analyze or revisit these.

**7.2** June outlined the suggested formats for project proposals. These covered research, IT development and new services. **These were accepted by the Board.**

**7.3** Lyn Fereday advised that a Memorandum of Understanding was required in the absence of governance arrangements which would come into force in December. The adoption of the amended MOU was agreed by the Board. This would be effective until December 2005.

**7.4** The NDNA Annual Report was discussed. The Chair advised that he was arranging a day to visit the Custodian to go through the report, together with Alaster Smith. June Guinness reminded the Board that a number of contributions were still awaited.

**8. Any Other Business**

**8.1** Stuart Hyde asked if the Board had a view on Genewatch in terms of their view about the use of DNA, and whether the Board should meet with them to hear what they had to say. Steve Bain felt that the Board needed to read what they say and accept that they have a view. A copy of the NDNAD Annual Report would be sent to them. **This was agreed by the Board.**

**8.2** Stuart Hyde asked who managed the DNA and Fingerprint Retention Team, and what measures were in place to monitor their work. Lyn advised that the Home Office were funding the project, but that ACPO was leading on the weeding rules, via Adrian McAllister. The team had been put together as a result of the legislation introduced in April 2004 when most forces were not in a position to take samples on arrest. The position was now that nearly all forces were implementing this legislation.

**8.3** June raised the issue of data integrity and advised that she wished to make the Board aware that the Custodian had been informed that certain classifications of matches that required additional verification because of the presence of a rare allele had been originally 'binned' with a common allele. With the advances in technology it was now possible to identify these and load the value as rare. However this meant that profiles loaded using the previous technology required checking to see if the original result was the rare value rather than the common allele value. The report that identifies which matches should be checked had not been identified for a considerable length of time. She added that the potential of this meant that some matches had been eliminated when they should not have been. Lyn asked the Custodian to give her details on the resourcing for this, in order that Home Office resources could be expedited.

**Action: Custodian to report to Lyn Fereday re resourcing.**

**8.4** Kerry Curtis asked about the organisational changes occurring in the Home Office Forensic Science and Pathology Department. The Chair advised that Penny Forsyth was managing the transition of the FSS to Gov.Co status until December, when a new Head of Unit would be appointed. Lyn advised that this would be the role of 'Forensic Adviser to the Secretary of State' and would be a 'regulator', not a 'custodian' role. Lyn advised that there would be teams of people under the Forensic Adviser role who looked at performance, standards and delivery of the database. Lyn

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agreed to update Stuart Hyde and Kerry Curtis about the changes.

**Action: Lyn Fereday to update Stuart Hyde and Kerry Curtis on the Changes in the Home Office Forensic Science and Pathology Department.**

**8.5** The Chair spoke about the databases with a connection to forensic science which was substantial. His view was that ACPO needed to ensure that the databases were owned by the police, particularly with more suppliers now working in this area.

Lyn FEREDAY circulated papers that gave details of the separation of the NDNAD from the FSS and added that an agreed statement of principles was being drawn up. The issue of the IPR was to be dealt with by the separation team.

Steve BAIN said that in relation to familial searching, he could not see how the issues of copyright and IPR could be committed as other suppliers had the knowledge to do familial searching. They could therefore just offer the service. The Board agreed with this in principle and the decision whether to transfer the copyright or licence exclusively to use would be made by the separation team.

**8.6** Lyn FEREDAY advised that she had received further correspondence from Mr Graham Cooke. A discussion took place as to what further information was available and Lyn FEREDAY was to write to Mr Cooke.

**Action: Lyn Fereday to write to Graham Cooke.**

**9. Date and Time of Next Meeting**

**9.1** The next DNADB meeting would take place on 15 December 2005.