



National DNA Database Strategy Board

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Author & Warrant/Pay No	Carole Ames on behalf of Gary Pugh
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Redacted Minutes of Meeting

30th September 2008

10.30 a.m.

5th Floor Conference Room, New Scotland Yard

1 ATTENDANCE

1.1 Attendees

Mr Gary Pugh (Chair)	Director of Forensic Services, MPS
Mr David Money	Association of Police Authorities
Dr Simon Bramble	Head of the Police Science & Forensics Unit, NPIA
Mr Eric Downham	For the office of the Forensic Science Regulator
Dr Mike Prior	NDNAD Delivery Unit/ Custodian
Dr Doug Pearston	Scottish DNA Database Manager
Professor Sarah Cunningham-Burley	Human Genetics Commission
DCC David Shaw	DNA Ops Group
Ms June Guinness	NPIA DNA Quality Adviser
Mr Stephen Webb	Head of Organised and Financial Crime Unit
Professor Peter Hutton	DNA Ethics Group
DI Stacey Dibbs	ACPO DNA Staff Officer
Mr Keith Mannings	Association of Police Authorities
(Dr Carole Ames	Minutes)

1.2 Apologies

Professor Steve Bain	Human Genetics Commission
Mr Andrew Rennison	Forensic Science Regulator



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2 PRESENTATION FROM DELOITTE

Section redacted due to commercial sensitivities

3 MINUTES

3.1 Open and Redacted minutes

3.1.2 Mr Pugh asked that any comments on the minutes (both open and redacted) from the last meeting be sent directly to him.

4 ACTIONS SHEET

Mr Pugh went through the Action Sheet and all actions were discussed. Mr Pugh said that the Action Sheet would be circulated before each meeting.

Action 01/08 – Paragraph redacted for operational reasons

Action 02/08 – DCC Shaw to ensure accountability, timeliness and a plan for the ACRO project and to report back to Board. **Ongoing**

Action 03/08 – Mr Pugh to prepare a paper on changes to the Governing Rules. **Discharged** – presented at this meeting.

Action 04/08 – Paragraph redacted for operational reasons

Action 05/08 – Paragraph redacted for operational reasons

Action 06/08 – Mr Pugh to investigate outcomes from the Prüm workshop. **Ongoing** - to be discussed at the next strategy board meeting.

Action 07/08 – Paragraph redacted for operational reasons

Action 08/08 – DCC Shaw to provide the Strategy Board with the EIA action plan. **In Hand** – DCC Shaw to update Mr Pugh in near future.

Action 09/08 – Paragraph redacted for operational reasons

Action 10/08 – Paragraph redacted for operational reasons

Action 11/08 - DCC Shaw and Dr Prior to evaluate the possibility of inclusion of the DNA FTA sampling kits research project in Forensics 21 for presentation in the next Strategy Board Meeting. **In Hand** – Forensic Regulator to set standards for ambient room temperature storage.

Action 12/08 – Mr Pugh to table Ethics Group Report at the next Board meeting. **Discharged**



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5 GOVERNANCE, POLICY AND LEGAL ISSUES

5.1 Overview by Chair of recent Reports and Reviews

Mr Pugh asked that the Board focus on the Review of Changes to the Governance Rules (Paper 14/01) for this meeting.

5.2 Review of Changes to the Governance Rules (Paper 14/01)

Mr Pugh introduced the proposal he has written for changes to the Governance Rules (Paper 14/01). This was based on the existing Governance Rules. After gaining a consensus view on this paper, he then hoped to move to redrafting the Governance Rules. He asked for general comments on the paper. He assured the Board that they would get a further opportunity to review this proposal and the new Governance Rules.

The following points were made on the Review of Changes to the Governance Rules:

1. Mr Pugh explained that the focus of the Board should be strategic and so the Governance Rules should include strategic aims. Paper 14/01 includes four strategic aims.

2. Prof Cunningham-Burley said she felt, regarding strategic aim 2, that the public needed to understand the governance of the NDNAD and not just the database's capability.

3. Mr Mannings asked whether more strategic aims could be included. He felt there should be a reference to affordability. He also felt that it was important to be proactive about delivering positive messages through the media to reassure communities.

4. DCC Shaw thought that "policing purposes" in strategic aim 1 should be removed or defined.

5. Prof Hutton felt it was important that the Rules did not limit the future use of the NDNAD. He felt that there should be clear separation between police uses of the database and civilian uses. He also thought that "laws..." in strategic aim 3 should be changed to "within the public interest".

6. Mr Webb noted that this Board would provide a good sounding board for the Home Office regarding any future changes in the law. Prof Cunningham-Burley added that if this Board was advisory, this should be explicit in the aims.

7. Mr Downham mentioned that the Rules may need updating to reflect the Marper judgement.



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8. Mr Pugh noted that the rules would make clear that the NDNAD was confined to holding data on non-coding DNA regions only. Prof Hutton said that he had raised this point at the Ethics Group. The general feeling was that potential information from the coding regions could be useful when examining crime stains. He informed the Board that he has approached the Wellcome Trust to set up a working group to discuss the consequences of using coding regions in forensic science. Mr Mannings asked how long the working group would take to review this. Prof Hutton estimated that it would take a year from the start but he had not assured the funding for the group yet. Mr Pugh said that a contingency would be needed in case Prof Hutton did not manage to obtain the appropriate funds. Prof Cunningham-Burley asked that the scope of the working group be presented to the Board.

Mr Money suggested that this section on coding/non-coding regions should not be made too scientific, as the public may not read / understand it. Prof Cunningham-Burley mentioned that a statement should be included to stress the significance that the Board would not begin coding-region research in the future without debate.

Mr Webb noted that the Home Secretary would be producing a white paper on forensic science in the future and perhaps this topic should be included. Dr Bramble was concerned that about limiting the Board's activities by defining "non-coding" regions. He informed the Board that the Forensic Science Regulator would consider the ethics of any new technologies. Mr Pugh felt that some degree of defining what regions would be examined was required. This was to show that the Board recognised the sensitivities surrounding this and understood their wider implications.

Dr Prior felt that in light of these discussions, the scope of the Board needed definition – was it solely to govern the NDNAD or to include the science not involved in the NDNAD? Mr Pugh agreed that clarity was needed on this but felt it was appropriate for this Board to have a view on the wider science.

The Board then discussed the Membership of the Board.

1. It was agreed that the Information Commissioner should attend as an observer.
2. All members were happy with the Forensic Science Regulator section of the paper but agreed that the roles of the Forensic Science Regulator and Custodian needed clarity.
3. Mr Pugh raised the issue of whether the term Custodian was still appropriate. Other forensic databases do not have a Custodian. He said that the report



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produced by Dr Prior containing the issues of the Delivery Unit was still required. Prof Cunningham-Burley said that she like the term Custodian. Dr Prior raised the point that when the Governing Rules were written the Custodian was part of the FSS. Dr Prior said that Peter Neyroud felt strongly that a Custodian should exist as a person accountable to the Board. Prof Hutton remarked that he liked the term “Custodian” as it implied guardianship, but he felt that as Chief Constables own the DNA information the Custodian doesn’t actually have much control over the data as they are restrained by laws.

New Action: Mr Downham offered to draft a paper defining the roles of the Forensic Science Regulator and Custodian.

4. Mr Pugh added that there needed to be separation between strategic objectives of the Board and the duties of the NPIA NDNAD Delivery Unit. Mr Mannings felt that the Strategy Board and the NPIA Board needed to be related but was concerned as to which Board would make final decisions. Mr Pugh felt that the requirements would be set and signed off at the Strategy Board as this Board has the viewpoint of all the relevant DNA Stakeholders.
5. Mr Pugh told the Board that he had spoken with representatives from Ireland and they had agreed to become Board members. Mr Money agreed that this will strengthen the Board membership.
6. Mr Pugh felt that it was important to formally recognise the Ethics Group in the Governance Rules. Prof Hutton told the Board that this had been discussed at the last Ethics Group meeting. The Group felt it was good to be formally recognised and membership on the Board would allow the Group to deliver its recommendations. It was agreed by the Board that the Chairman of the Ethics Group would attend the Board meetings as a non-voting member.
7. Mr Money asked why the Human Genetics Commission currently had two representatives. Mr Pugh agreed that this should be reduced back to one member.

New Action: Prof Cunningham-Burley to discuss Board membership with the Human Genetics Commission and inform Mr Pugh with an agreement on Board membership.

8. Mr Pugh asked for opinions on whether a position should be created for a person responsible for communication and education to increase public awareness of DNA and the NDNAD. Dr Bramble felt it was not necessary for them to be a member of the Board. He suggested that this person could report to the Board through himself. He added that he would look into funding for this role. Mr Downham agreed that it was the function of this role that was key and not Board membership.



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9. Mr Pugh recommended a Criminologist to advise the Board. DCC Shaw felt the Criminologist did not need to contribute to all Board meetings. They should be tasked by the Board and should not necessarily have full rights.
10. Prof Cunningham-Burley suggested that it would be advantageous to have an independent statistician to advise the Board.
11. All the Board agreed that the Information Commissioner should be represented on the Board as an observer.
12. All the Board agreed that representatives from ACRO should attend the Board as observers. Mr Money asked whether they should attend every meeting. Mr Pugh felt that they could attend by invitation when relevant issues were on the agenda. They would also receive copies of papers so that they were sighted.
13. Mr Pugh suggested that a group be assembled to look into the ACPO User Requirement. He also thanked Ms Guinness for her work on this.

New Action: Mr Pugh asked that all Board members provide feedback to himself on the Revision of the Governance Rules of the NDNAD.

New Action: Mr Pugh and Mr Downham to produce NDNAD Governance Rules. These would be presented to the Board for agreement.

New Action: Mr Pugh to clarify the Strategy Board's work areas.

5.3 Risk Register (Paper 14/02)

Dr Prior informed the Board that the Risk Register that had been circulated before he meeting was not the most up-to-date version.

New Action: Dr Prior to circulate the latest version of the Risk Register.

5.4 Familial Searching Policy (Paper 14/03)

Mr Pugh mentioned that he believed all policies should be signed off by this Board.

Prof Cunningham-Burley asked whether the policy would be available to the public. Mr Pugh agreed that a public version could be released.

New Action: Ms Guinness to produce a public version of the Familial Searching Policy

Dr Bramble thought the document should make data and disc security clearer. He also suggested that a person within the NPIA should be appointed to give assurance of data security. Ms Guinness said that data erasure procedures were required that didn't erase the whole hard drive for the Forensic Service Providers during familial searching.



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New Action: Dr Bramble (with Dr Prior and Ms Guinness) to prepare a paper for the next Board meeting on the oversight of the confidentiality, integrity and security of data.

Dr Prior asked whether it was possible to send the ICO the Familial Searching Tactical Guide. This was agreed.

6 OPERATIONAL UPDATE

6.1 Issues Escalated from the DNA Operations Group

DCC Shaw informed the Board that he will no longer be on the DNA Operations Group. Stuart Hyde is to take over this role. Mr Pugh thanked DCC Shaw for his work on the DNA Operations Group.

DCC Shaw informed the Board that a performance framework for forces was being developed. He also mentioned that the DNA Operations Group were updating the Good Practice Guide.

DCC Shaw informed the Board that the movement of the NDNAD from the FSS to the NPIA was progressing.

6.2 Paragraph redacted for operational reasons

7 CUSTODIAN UPDATE

7.1 Custodian Report

7.1.1 Exceptions Report (Paper 14/05A)

Dr Bramble felt that Section 5 of the Exceptions Reports required consideration. Mr Pugh agreed that the Custodian could discuss this with the Forensic Science Regulator and report any decisions back to the Board.

7.1.2 Paragraph redacted for operational reasons

7.1.3 Trends Report (Paper 14/05C)

No issues were raised.

7.2 Research Proposals (Paper 14/06A)

Ms Guinness reported that there were no new research proposals. She said that the Prolific Unknowns Project was now finished.

7.3 Annual Report 2006/2007 (Paper 14/06B)



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Mr Pugh felt that the Annual Reports should be streamlined. Mr Webb suggested that the Annual Report should consist of two years in one document.

8 ETHICS GROUP UPDATE

8.1 Ethics Group Annual Report

To be discussed at the next meeting.

8.2 Response to the Recommendations

New Action: Mr Pugh requested that any comments on the Response to Recommendations (Paper 14/07B) be emailed directly to him.

9 CITIZEN'S ENQUIRY

Mr Pugh said that the Citizen's Enquiry would be discussed fully at the next Strategy Board meeting.

10 ISSUES RELATING TO SCOTLAND

Dr Pearston highlighted to the Board the recent report published on the scotland.gov.uk website.

11 ANY OTHER BUSINESS

Mr Pugh introduced his new staff officer. DI Stacey Dibbs will be taking up her position at the end of October. She will be visiting all the NDNAD Stakeholders in the future.

12 DATES OF FUTURE MEETINGS

- 15th January 10.30am to 2pm, 5th Floor Conference Room, NSY
- 12th March 10.30am to 2pm, 5th Floor Conference Room, NSY
- 11th June 10.30am to 2pm, 5th Floor Conference Room, NSY
- 10th September 10.30am to 2pm, 5th Floor Conference Room, NSY
- 10th December 10.30am to 2pm, 5th Floor Conference Room, NSY