



## National DNA Database Strategy Board

Protective Marking	No Protective Marking
Suitable for publication Scheme (Y/N)	Yes
Title & Version	National DNA Database Strategy Board Minutes – Meeting 10th September 2009
Purpose	Record of meeting
Author & Warrant/Pay No	Stacey Dibbs p008982
Date Created	10 <sup>th</sup> September 2009
Date Review	09 <sup>th</sup> September 2014

<b>Date and Venue</b>	Thursday 10th September 2009, 10.30 a.m. 5 <sup>th</sup> Floor Conference Room, New Scotland Yard	
<b>Attendees</b>	Mr Gary Pugh (GP) (Chair), Mr Jim McQuillan (JM)  Mr David Money (DM) Ms Sarah Cunningham-Burley (SCB) Mr Mick Carling (MC)  Mr Peter Edmundson (PE) Mr Chris Hughes (CH) Ms Kirsty Faulkner (KF) DI Stacey Dibbs (SD) Ms June Guinness (JG)  Ms Carol Moore (CM) Mr Tom Ross (TR) Mr David Crispin (DC)	Association of Chief Police Officers (ACPO) Head of Scientific Support Northern Ireland representing ACC Duncan McCausland Association of Police Authorities (APA) Human Genetics Commission Head of Policy Police Science & Forensics Unit, NPIA Home Office representing Tyson Heppel Chair of the DNA Ethics Group Head of NDNAD Delivery Unit NPIA ACPO DNA Staff Officer Forensic Science Regulator representing Mr Andrew Rennison Criminal Justice Northern Ireland Office Scottish DNA Database ACPO Criminal Records Office
<b>1.0 Apologies</b>	Mr Simon Bramble (SB) Mr Eric Downham (ED) Mr Tyson Heppel (TH) ACC Ian McCausland (IM) Mr Andrew Rennison (AR) Dr Doug Pearson (DP) Mr Steven Bain (SB) Mr Ian Miller (IM)	Head Police Science & Forensics Unit, NPIA Deputy - Police Science & Forensics Unit, NPIA Home Office Police Service Northern Ireland Forensic Science Regulator Scottish DNA Database Manager Ethics Group/HGC Information Commissioners Office
<b>2.0 Welcome &amp; Introductions</b>	<p>Chair Gary Pugh welcomed everyone to the meeting and thanked them for their contribution to the papers. He highlighted that the Key issues to be discussed at this meeting were the change in moving to new 15 loci PCR DNA method and procurement of new DNA sampling kits and forms.</p> <p>Gary Pugh thanked Peter Hutton the outgoing chair of the Ethics Group for his valued contribution to the NDNAD Strategy Board and for the recent preparation of the second Ethics Group report. He hoped to continue the strong working relationship with the new Ethics Group Chair Chris Hughes, who was welcomed to the meeting.</p>	



## National DNA Database Strategy Board

<b>3.0 Previous Minutes</b>	<p>Accuracy of minutes discussed.</p> <p><b>Action for SD - Comments on the minutes to be provided to Stacey Dibbs and to the posted on the NPIA Strategy Board website by the next meeting.</b></p>
<b>4.0 Action Register</b>	<p><b>The Recording of Ethnicity 05/09</b> - Currently ethnicity data is recorded as part of the DNA sampling process and recorded on the NDNAD. There are historical reasons for this but there is no justification moving forward as ethnicity is recorded on PNC and it is a duplication of data with no operational policing benefit. The current system of recording is 6 plus 1 as opposed to the 16 plus 1 which is now the accepted method within the Criminal Justice arena. 16 plus 1 is self-determined ethnicity, where as the 6 plus 1 system is determined by the police officer. The Home Affairs Select Committee has recommended that criminal justice agencies should move to the 16 plus 1 system. It was agreed at the meeting that the NDNAD should move to the 16 plus 1 system using data from the PNC or PND as appropriate. Enquiries into the ethnic breakdown of the database should be determined from PNC. Alex Prott, who leads on the Equality Impact Assessment for the NDNAD has been consulted and in terms of the use of ethnicity data she has advised that the NDNAD should fall in line with the general Police and Criminal Justice approach to recording ethnicity. Alex, in conjunction with an EIA Working Group, has completed Stage 1 and 2 of the Equality Impact Assessment, which has now been published.</p> <p>It was raised as to whether this change should be limited to the PACE forms or include the volunteer and elimination forms. It was clarified that it was the PACE profiles that were being discussed. The recording of ethnicity via PNC was a more sensible approach, but there were questions as to the practicality of this. Kirsty Faulkner (KF) raised the practicability of obtaining the information that is available from PNC. The Board agreed that it is important that ethnicity data in relation to the NDNAD was available and published.</p> <p><b>Action for KF - To ascertain how readily accessible ethnicity data is from PNC</b></p> <p>It was agreed that the reasons as to why ethnicity should no longer be recorded on the NDNAD should be fully documented and Ministers briefed by the Chair. It was agreed an implementation plan should be prepared.</p> <p><b>Action for SD -To prepare a briefing note on removal of ethnicity data from NDNAD and time scale.</b></p>
	<p><b>Familial Searching 10/09</b> - Awaits the outcome of the Home Office proposals. <b>This action is ongoing.</b></p>
	<p><b>Web Communications 14/09</b> - Agenda item.</p>
	<p><b>Board publication of minutes on the NPIA Website 17/09</b> - <b>This action is complete.</b></p>



## National DNA Database Strategy Board

	<p><b>The breakdown of Sample Class Codes 19/09</b> - KF confirmed that this is now within the Delivery Units Trend paper. <b>Action discharged.</b></p>
	<p><b>Request for statement of purpose, scope and operating procedure for missing persons database 22/09</b> - Board noted that this proposal needs further consideration. The purpose needs to be very clear. Sean Sutton NMPB NPIA invited to the next Strategy Board meeting to provide more detail and Board members with any interest in this topic invited to engage with the NMPB.</p>
	<p><b>Feedback from the committee of Ministers 25/09</b> - This action was discharged.</p>
	<p><b>The IAO Report 26/09</b> - Ongoing Agenda item.</p>
	<p><b>New DNA PCR Technology 27/09</b> - Agenda item - KF presenting a paper on new PCR 15loci DNA technology</p>
<p><b>5.0 NDNAD Annual Report</b></p>	<p>The Board were informed that two annual reports from 2007-08 and 2008-09 were being produced together. Eric Downham (ED) was thanked for the work he had undertaken on preparing the report. It was advised that the report would need to be circulated to the Board before it was published. The Chair suggested that future Annual Reports should have wider Board input and to avoid delay planning needed to begin soon so that the following report for 2009-10 could be published early in 2010.</p> <p>Sarah Cunningham-Burley (SCB) voiced concern about the information not yet on the NPIA website and queried whether a message could be displayed on the website stating that the annual report would be published shortly. The Chair noted her concern and sought reassurance that the report would be published soon.</p>
<p><b>6.0 Operational Update - DNA Project Management</b></p>	<p><b>6.1 Overview of the Work Programme:</b> The Board were provided with an updated Work Programme drawing together all the ongoing work streams of organisations such as NPIA, ACPO and others, coordinated by a DNA Programme Team lead by SD.</p> <p><b>6.2 DNA Kit Forms:</b> Discussion took place around the two newly proposed forms and the information printed on them, which included the removal of ethnicity data. There was further discussion on the content of operational detail to be recorded on the forms and the relative benefits. June Guinness (JG) explained that this was a crossover from when there were separate evidential kits. It was concluded that ethnicity data and exhibit number should be removed and the police reference/ crime number would remain on the form until the 30th of September whilst the business changes team consulted the suppliers/police to determine whether required. The ownership of the form, the kit and the specification would now sit with the NPIA. It was decided that sample details i.e. mouth swabs or hair root is not required as this is recorded on PNC. The Board were informed that all such detail had been discussed previously by the Forensic 21 Working Group and further work was ongoing with forces and suppliers to review the impact that the new forms would have upon them.</p>



## National DNA Database Strategy Board

	<p>The Board agreed that with regards elimination there should be a very clear and distinct process for those individuals giving DNA outside of PACE. It was stated that the process for elimination DNA should be straight forward and under no circumstances should the information be loaded on the National DNA Database. The elimination form should be used solely for the purpose of elimination and wording was suggested for the forms. In terms of volunteer profiles to be loaded to the NDNAD, a separate sampling kit and consent form would be required to be completed and authorised for loading of this profile to the NDNAD.</p>
	<p><b>6.3 Media and Communication:</b> Papers circulated by Mick Carling (MC) NPIA and an update provided on the Strategy Board Website:</p> <p>He stated that progress had been made in terms of getting graphs and photographs on the webpages and now there was a need to move forward and complete the site. The progress was welcomed and it was suggested that access to the site and a separate identity for the NDNAD and the Strategy Board needed to be considered, with provision given to the NDNAD logo.</p> <p><b>Action for members to provide MC with written feedback regarding the internet screen shots and copy GP/SD</b></p>
<p><b>7.0 Strategic Risk Register</b></p>	<p>The Board were informed that a Strategic Risk Register had been prepared to reflect the strategic risks and issues of DNA.</p> <p><u>STRAT 1: S &amp; Marper.</u> It was recognised that the Board would not respond collectively, but individual organisations should put forward their views to the Home Office. The Board then discussed elements of the consultation document. <b>In summary:-</b></p> <p><b>Retention period for those arrested but not convicted.</b> There are a range of views on the retention of those that arrested and not convicted with an acceptance that there will be retention of this group. The factors considered relevant include the seriousness of offence and age.</p> <p>Tom Ross (TR) stated that the Scottish system is not based on the seriousness of the offence but on the relevance of the offence. The legislation states the relevance of a violent offence. The seriousness of an assault does not necessarily give the full picture. Under Scottish legislation there is a list of relevant offences that allow retention under section 18A for offences such as common assault, indecent exposure etc.</p> <p><b>Destruction of Samples.</b> It was acknowledged by the Board that there are few occasions where the sample is needed for further analysis. The most significant factor is whether there are susceptibilities to a technical legal challenge if there is not a sample available.</p> <p><b>Counter Terrorism.</b> It was acknowledged that a different approach is required when dealing with Counter Terrorism samples as there are more sophisticated processes that manage the use of information than there are in e.g. criminal damage cases. Further representation will be made on this issue citing the different nature of the threat and risk.</p>



## National DNA Database Strategy Board

	<p><b>Governance.</b> The Chair reported that the revised Governance Rules had been discussed with Ministers.</p> <p><b>Next steps.</b> It was reported by the Home Office that there had been over 500 responses to the consultation, of which 400 were personal individual responses and, in summary, there was strong opposition to retaining DNA for any period of time if people are not convicted. Stakeholder responses were generally in support of the Home Office proposals but there is some concern around the research and evidence put forward for the retention periods.</p> <p>Further research is being undertaken. The Scottish model continues to be cited by various commentators and members of various political parties. This is a relevant consideration but the Government is looking for a policy which is based on evidence. Peter Edmundson (PE) gave an overview of the responses from the main areas of the consultation.</p> <p>It was brought to the attention of the Board that Dianne Abbott MP and Liberty are holding DNA Clinics in East London which has the purpose of inviting people who were arrested but not convicted to come forward. The lawyers from Liberty will then make applications for removal.</p>
	<p><u>STRAT02 - Performance and Data Integrity</u></p> <p><b>Trend Report</b> Paper circulated - From previous feedback a summary of actions taken have been included within this trend report. Highlighted on the report are the areas where the Delivery Unit have contacted forces to address perceived issues/inconsistencies. There has been liaison with the forces that seem to be addressing the issues.</p> <p><b>Volunteers</b> - Awaits communication to forces by the Chair-awaits. Once forces have that communication the historical data will be reviewed. It was stated that they would need to go back to forces to determine whether profiles should be retained or not. This will be included with the letter from the Chair. An Action Plan has been developed.</p> <p><b>Replication rate</b> - The Board were informed that the Delivery Unit were not advising forces on actioning any policy changes, in light of the changes that they will have to undertake following the resolution of the S &amp; Marper judgement and the introduction of new retention policies.</p> <p><b>Crime Scene Deletions</b> - Forces have asked for direction from the Board with regards crime scene deletions, i.e. the profiles that are on the database that have been matched to a subject profile. In terms of setting the policy it was agreed by the Board that advice would be sought initially from and discussed with the Information Commissioner.</p> <p><b>Action for Chair -To consult ICO re deletion of crime scene profiles</b></p>



## National DNA Database Strategy Board

	<p>It was reported to The Board that the Delivery Unit, Data and Integrity Team (DQIT), would shortly be focusing on other performance issues, such as, the orphan stubs. Orphan Stubs are PNC records without an associated DNA profile.</p> <p>It was requested by the Delivery Unit Manager, that the Chair endorse her communication to forces that match reports where the match has not been verified, should act with caution on verified matches. The Chair agreed that forces should act with caution and endorsed the communication.</p> <p>It was noted that with regards to the trend report data there were 5 million subject profiles on the DNA database</p>
	<p><b><u>Data Integrity and Availability Report</u></b></p> <p>The Chair was asked to give authorisation for profiles to be loaded to the database from LGC who developed DNA Sense which is low template DNA. Both UKAS and the Delivery Unit accreditation had been completed and achieved. JG noted that the post caveat for the sample type and the caveat for LCN were quite contentious and the wording supported some of the issues that the Board was trying to address. It was agreed that it did need reviewing and agreed that a caveat and a warning would still be required. It was agreed that a caveat would be put on the match report for all forces to be prepared by the Regulator.</p> <p><b>Action for JG - Regulator to put forward their view on the caveats</b></p> <p>The Board were informed that the Delivery Unit were working with forces to remove profiles linked to non-recordable offences removed from the database. In the interim these profiles would be suspended and made non searchable.</p>
	<p><b><u>STRAT04/06 - Information Asset Owners Report</u></b></p> <p>Database transition-the project is aiming to transition the database by December. Following completed change-over from the FSS to the NPIA there may be a downtime of 2 days of operational activities, a Friday and Monday. The Board were informed the group that a number of communication events were held during the last quarter linking in with police practitioners and forensic providers.</p>
	<p><b><u>STRAT07 - Resilience - Security Report</u></b></p> <p>For information only: The Board was informed that the CAS/NDNAD Delivery Unit would be granted full security accreditation imminently. Privacy Impact Assessment, work has been ongoing, in consultation with the Information Commissioner. It was felt that the Board needs to understand the end to end ownership of the whole process within DNA.</p>



## National DNA Database Strategy Board

	<p>A Forensic Service Provider (FSP) has asked for clarity over what information they need to hold and when they need to remove information. The Regulator and Delivery Unit agreed to discuss this issue and report back to the Board. Guidance is needed on the Data Protection Act issues and advice would be further sought from the Information Commissioner.</p> <p><b>Action: The Regulator and NDU to report back on guidance for Forensic Service Providers</b></p>
	<p><b>STRAT03 - Science and Innovation - Research Proposals</b></p> <p>One new request for data received from an Economic Adviser within Surrey Crime and Policing Group. Research being conducted into cross border DNA. The Board refused this request as, the NDNAD is not the appropriate route for this information.</p>
	<p><b>15 Loci - New PCR DNA Technology</b></p> <p>A presentation on the 15 Loci PCR method of DNA Analysis was given to the Board. The recommendation is that the UK (including Northern Ireland and Scotland) should move to the implementation of 15 loci DNA PCR technology.</p> <p>The Board were asked to consider whether there should be a single manufacturer of the kit or whether the market place should be opened up to include other manufacturers to supply the 15 loci product. Validation of the kits and a frequency database needs to be established.</p> <p>The NPIA Police Science and Forensic Unit will lead the co-ordination of the work streams linking in with CPS, the Regulator and the Ethics Group on the different types of issues that would be presented.</p> <p>Two companies have launched products that utilise 15 loci. ABI which is the current kit manufacturer of SGM plus and Promega. The new kits all have the existing ten loci of the SGMPlus and incorporate five additional new loci. The five loci have been included because they are suitable for the forensic application. The kits are being marketed in the UK and in Europe. The benefits of moving to the 15 loci (rather than 10) are that there is a reduced chance of an adventitious match. The Board were assured that the current NDNAD would accommodate profiles from 15 loci.</p> <p>The attendees from Northern Ireland and Scotland each agreed that they are happy to accept a decision by the Board to move to 15loci.</p> <p>It was noted that there would be a requirement for policy changes linking into the retention of profiles and linking in with S &amp; Marper. Also the upgrade policy would need to be formulated when a profile that is generated from SGM or SGM+ needs to be upgraded to the 15 loci.</p>
	<p>A meeting had been arranged with the Forensic Service Providers to initiate discussion about some of the scientific considerations and discussions around the benefits of or not of a sole provider or whether the market should be expanded.</p> <p>If the market place is opened up, a new robust set of standards would need to be set for validating/delivering new products and would require a review by the Regulator of the</p>



## National DNA Database Strategy Board

	<p>scientific standards. It is anticipated that with the development of the IT systems the introduction of 15 loci will take around 9-12 months to develop.</p> <p>The Board agreed that there were good reasons to move to 15 loci and they agreed in principle the adoption by the UK NDNAD of a 15loci DNA profiling system. The implications must be understood and there needs to be reassurance around the validation studies and the process of making the transition.</p> <p>The Board further agreed that moving to an open market would be preferable. An impact assessment was requested to determine the implication of multiple suppliers of DNA chemistries. There needs to be a major compatibility study, combined with the frequency database work so that the Board had all the required information to make an informed decision on the move to 15 loci. The Board asked for clarity in terms of the issues and clarity regarding the standards, commercial, and operational issues.</p> <p><b>Action for KF - To produce a detailed Implementation Plan that considers in its entirety the business change to 15 loci. The Ethics Group, Regulator and Scotland and Northern Ireland need to be fully engaged.</b></p>
	<p><b><u>Storing YSTR Profiles on the NDNAD-Paper</u></b></p> <p>Paper presented on the proposal for the development of a database for YSTR profiles. The Board agreed that as YSTR profiles are not being generated in large numbers that there is not an immediate issue for the Board to consider a database to store these profiles. However, if they are to create a YSTR database it should be held by the NPIA Delivery Unit. It was requested that the Ethics Group and Regulator give further consideration to the use of YSTR testing, combined with familial searching.</p> <p><b>Action for Ethics Group and Forensic Science Regulator - To consider the use of combined with familial searching.</b></p>
	<p><b><u>Familial Search Project</u></b></p> <p>The differences between the commercially available algorithms needs to be understood. DNA is a function of the NPIA. An update on the research/evaluation exercise being conducted by the Regulator was given. The Board needed to know what the strengths and weaknesses were of the familial search products and if one is more efficient than another. The Regulator was asked to continue on with the research/evaluation exercise. The next generation NDNAD algorithm should include familial searching and this should be operated by the NPIA Delivery Unit.</p>
	<p><b><u>STRAT05 - Ethical Considerations</u></b></p> <p>The 2nd Annual Ethics Group Report will be on the agenda of the next meeting for a more detailed discussion.</p>