



## National DNA Database Strategy Board

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Title & Version	National DNA Database Strategy Board Minutes – Meeting 23 <sup>rd</sup> June 2008
Purpose	Record of meeting
Author & Warrant/Pay No	Gary Pugh, c086895
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### Redacted Minutes of Meeting

Monday 23<sup>rd</sup> June 2008

10.30 a.m

5<sup>th</sup> Floor Conference Room, New Scotland Yard

#### 1. Attendance

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 Steve Bain	Human Genetics Commission
ACC David Shaw	DNA Ops Group
Ms June Guinness	NPIA DNA Quality Adviser
Mrs Shazia Khan ( <b>Secretary</b> )	Forensic Monitoring Unit Manager, MPS

#### 2. Apologies

Mr Stephen Webb	Head of Organised and Financial Crime Unit
Professor S. Cunningham-Burley	Human Genetics Commission
Professor Peter Hutton	DNA Ethics Group
Mr Andrew Rennison	Forensic Science Regulator
Mr Keith Mannings	Association of Police Authorities



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### 2. MINUTES & ACTIONS:

#### 2.1 Open Minutes

2.1.2 The minutes of the meeting held on the 7th April 2008 were agreed as a correct record of the meeting.

2.1.3 Section redacted due to operational reasons

#### 2.2 Redacted minutes

2.2.1 The minutes of the meeting held on the 7<sup>th</sup> April 2008 were agreed for public release as the redacted record of the meeting

#### 2.3 Actions from last meeting

2.3.1 Mr Downham to speak with Professor Hutton, to determine the feedback by the Ethics Group on the research proposals. Mr Downham to bring an update back to the next meeting

#### Action On-going

2.3.2 Ms Guinness to provide further detail of the research proposal ENFSI – (European Network of Forensic Science Institutes) research proposal to increase the number of DNA loci used for databases and the resourcing available to the Custodian to carry out this work. This additional information will enable Mr Pugh to invite the ethics group to consider the proposal. Mr Pugh also expressed his desire to discuss the proposal further with Prof. Peter Gill (now of Strathclyde University). Ms Guinness stated she had discussed this proposal with Prof. Gill and a paper had been prepared for consideration. Ms Guinness also stressed that the ENFSI project was going ahead and it was for Strategy Board members to decide whether or not the UK was to participate. Ms Guinness stated the ENFSI project was a three year project and funding was currently being sought for an extension to the project. Ms Guinness added the EU was keen for the UK to engage in this project. Mr Pugh re-iterated his desire for further discussion with Prof. Gill and the board members on this matter before a commitment to participate was given.

#### Action On-going

2.3.3 Paragraph redacted due to commercial reasons

2.3.4 Paragraph redacted due to commercial reasons



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2.3.5 Paragraph redacted due to commercial reasons

2.3.6 Paragraph redacted due to operational reasons

2.3.7 Paragraph redacted due to operational reasons

### 3 MATTERS ARISING

3.1 All the matters arising from the minutes were to be discussed during the course of the meeting as part of the agenda.

### 4. GOVERNANCE, POLICY AND LEGAL ISSUES

Mr Pugh expressed his gratitude to Mr Downham for the circulation of the documents for this meeting. Mr Pugh had visited and met with Dr Prior and Ms Guinness to obtain a greater understanding of the custodian, and he noted the professionalism and commitment of the Custodian staff.

#### 4.1 Review of Governance Documents (paper 13/01)

Mr Pugh stated the governance rules of the National DNA Database Strategy Board needed to be reviewed he added that in his opinion it was important to recognise the three main organisations that oversee the governance for policing: ACPO, APA and Home Office representing the Secretary of State . Mr Pugh stated the future Home Office representation on the Board would be Mr Stephen Webb, adding that unfortunately due to annual leave he was unable to attend this meeting. Mr Pugh suggested a review of the governance documents, after much discussion the following areas were of highlighted:

1. The requirement of an HO representative. Mr Money agreed there was no better time to get a HO representative involved, as the role of the board was being debated.
2. The role of the NDNAD. Mr Pugh stated in his opinion the role of the NDNAD should be overseen by the Board members. Mr Pugh added that the wider use of the database should be carefully considered including the searching of profiles from missing persons, and the deceased. Mr Pugh suggested this should be considered by the DNA Ethics Group.
3. Board representation from Northern Ireland. Mr Pugh suggested Northern Ireland representation may be required on this board.
4. Role of the Forensic Science Regulator. Mr Pugh highlighted that the role of the Forensic Science Regulator was not explicitly referred to in the governing rules.



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Mr Money proposed that the Chair should prepare a paper outlining possible changes and updating to the governance rules, Mr Pugh agreed to do this and consult as far as possible with relevant stakeholders and bring a paper to the next Board meeting, he invited Board members to send him comments or suggestions for amendments to the governing rules.

**New Action: Mr Pugh to prepare a paper on changes to the governing rules.**

### 4.2 Risk Register (paper 13/02)

Mr Pugh indicated a regular review of the risk register was very useful, and asked Dr Prior to go over the risks that were classified as red, and any other risks he deemed worthy of mention.

Section redacted due to operational reasons

### 4.3 International Exchange of DNA data

Mr Pugh mentioned three key initiatives in the international exchange of DNA data:

1. Interpol Gateway
2. Prüm convention/treaty
3. G8 SRN- Search Request Network

Ms Guinness stated that data reconciliation would be necessary for data held by Interpol, Prüm and G8. Ms Guinness also asked whether large amounts of data would be made available by the UK to other countries and the manner in which this would be done. Ms Guinness also anticipated a lot of matches from the Prüm treaty on the NDNAD. Ms Guinness also expressed concerns over who was leading on Prüm within Europe, also adding factors such as funding and accountability need to be considered.

Mr Pugh said he was nervous about data exchange, stressing audit trails were essential, adding we needed to be clear what would be the basis for exchange, the need to link to the original investigation and the relevance of the DNA profile. Ms Guinness added implementation rules may dictate what can be loaded and searched on the database. Ms Guinness added Ian Bloom is leading the project for Prüm implementation within the NPIA, but she was unclear who the HO and ACPO leads were, but added this may be determined within the Prüm workshops due to be held on the 4<sup>th</sup> July 2008. Mr Pugh suggested the Strategy Board should also be involved in reviewing progress on this project.

**New action: GP to investigate outcomes from the Prüm workshop.**

### 4.4 Proposal for criminality research (paper 13/03)



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Mr Pugh raised the letter he had sent to Chief Constable Peter Neyroud (paper 13/03), which was circulated to all attendees. Mr Pugh stated this research would provide an objective base of knowledge to improve the understanding and effectiveness of the NDNAD and could provide reassurance to the public as to the use of biometrics for investigating crime. Mr Money and ACC Shaw questioned whether the timing of this research could be adjusted to after the outcome of the S & Marper had been announced. Mr Bain asked who would finance this research. Mr Pugh acknowledged that the S & Marper case was significant and said he would be looking to the NPIA to support this work. Mr Pugh added the strategy board should own this project. Dr Bramble suggested that there needed to be engagement by ACPO, the HO, NPIA, APA and the media department on this project.

**New Action. Mr Pugh and Dr Bramble to progress the research and secure funding.**

### 5 OPERATIONAL UPDATE

Section redacted due to operational reasons

### 6 CUSTODIAN UPDATE

- 6.1 Section redacted due to operational reasons
- 6.2 Paragraph redacted due to operational reasons
- 6.3 NDNAD Trend Report (Qtr. 4) (Paper 13/06)

Dr Prior reviewed Paper 13/06 and highlighted the new format. Dr Prior stated that the number of unmatched crime scene profiles was around half the total number of crime scene profiles added to the Database. After some discussion on profiles loaded to the Database Mr Pugh expressed some concern over duplication in scene and person profiles. Mr Pugh recommended this should be looked into by the DNA Operations Group in conjunction with the NPIA.

**New Action. DNA Operations Group to investigate extent of scene/person profile duplication on the NDNAD.**

### 6.4 Research Proposals

Mr Pugh suggested a research proposal to be considered by the board members: a new DNA sampling kit involving FTA paper. Mr Pugh added he was aware of the fact that the Custodian would be running out of the current 9-series barcode numbers in approximately 12 to 18 months. He suggested that a roll out of the new kits to coincide with a new series of barcode numbers would be a good idea. Mr Pugh suggested that this research should be owned by the Custodian and ACC Shaw and Dr Prior should lead on this. Mr Pugh asked if the possibility of inclusion of this project within Forensics21 could be evaluated for presentation in the next strategy meeting. Mr Pugh added the forensic regulator and Joanne Ashworth need to be consulted for this proposal.



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**New Action. ACC Shaw and Dr Prior to evaluate the possibility of inclusion of the DNA FTA sampling kits research project in Forensics21 for presentation in the next Strategy Board Meeting.**

### 7 ETHICS GROUP UPDATE

#### 7.1 Draft Ethics Group Report (Paper 13/07)

Prof. Bain informed the attendees that the Ethics Group has met three times since its formation. Prof. Bain reviewed Paper 13/07 for the board members, highlighting areas of focus for the Ethics Group which included:

- The classification and management of volunteer DNA samples
- The process of taking consent for a DNA sample given voluntarily
- Information for the public, the police, volunteers, and custodial subjects on forensic DNA
- The security and identification of DNA samples and profiles
- The custom and practice within which the NDNAD operates and the role of Chief constables
- The need for, and value of, a 'universal' NDNAD
- The ethical aspects of research applications to work on data stored on the NDNAD.

Prof. Bain stated the recommendations from the Ethics Group included:

- A better understanding of the term 'voluntary'
- Samples from persons presumed innocent should only be used for case investigation and there should be the expectation these profiles will not be loaded to the NDNAD
- A specific consent form for competent adults who are suspected of the crime to give volunteer samples. A template is presented to the strategy board, it is currently being reviewed by the Forensic Regulator
- Need for better information on the use and limitations of forensic DNA analysis.
- Confidentiality and privacy should be preserved for all DNA samples
- Appeals process should be national process not a force one
- The term 'exceptional circumstances' should be reviewed, in the cases where retention of data is requested in line with data protection and human rights legislations
- Consideration into the clarification of the role of the NDNAD
- Consideration into the announcement of the current criminal intelligence only use of the NDNAD i.e not for national repository of the nations DNA



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Prof. Hutton, Mr Rennison and Mr Pugh are due to meet the Home Office Minister were Prof Hutton will present his report and the report and recommendations will need to come back to the next Board meeting.

**New Action. Ethics Group Report to be tabled at the next Board meeting.**

### 8 ISSUES RELATING TO SCOTLAND

No issues were raised, Mr Pugh stated future use of DNA profiling in Scotland would be shaped by a report written by Prof Jim Fraser to be discussed at the next strategy meeting, if available.

### 9 ANYOTHER BUSINESS

Mr Bain informed the board that the Citizens enquiry was complete.

### 10 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