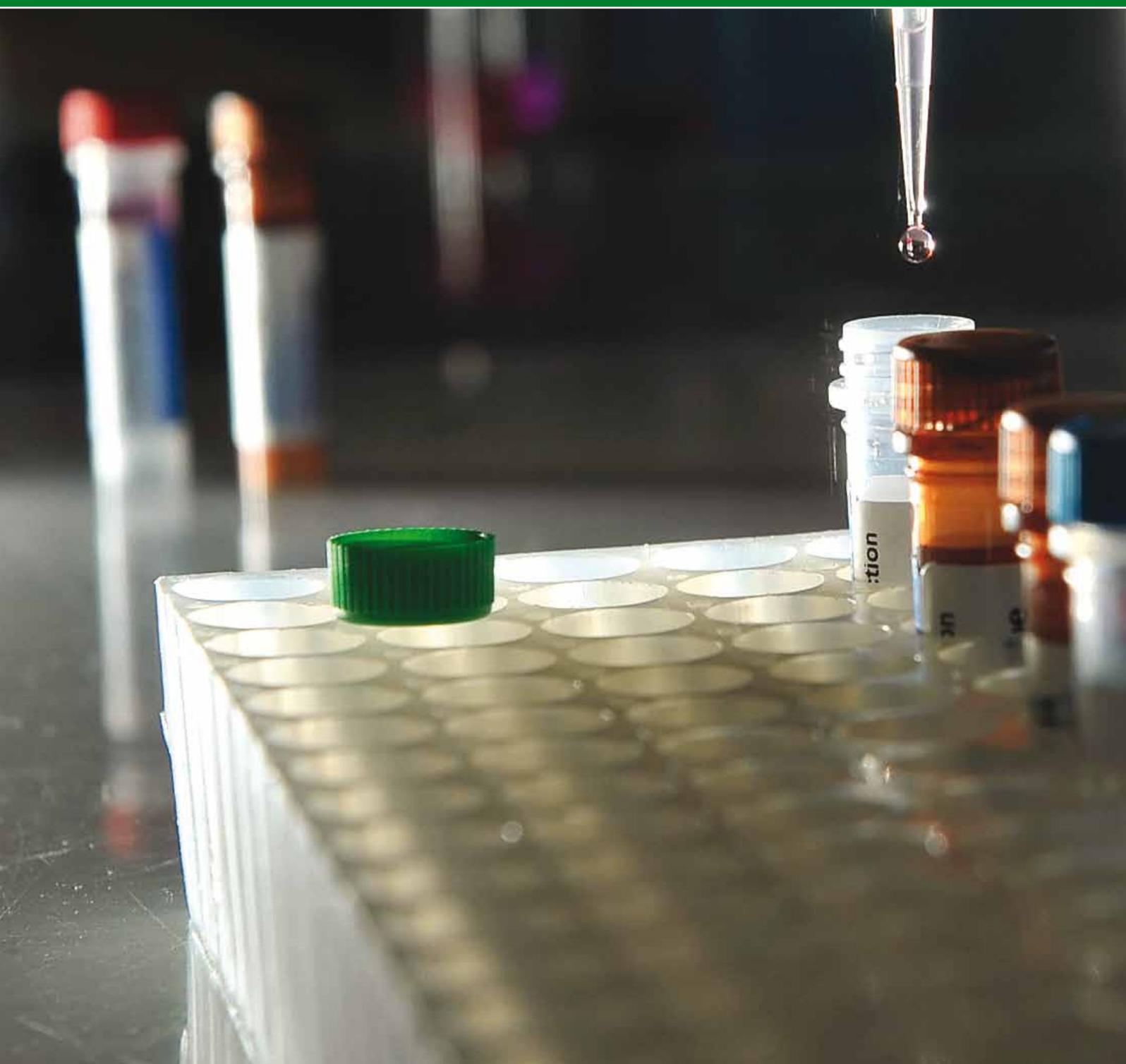


# Annual report of The Ethics Group: National DNA Database

April 2010





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# FOREWORD



This has been an extremely busy year for the Ethics Group (EG) in which I was appointed Chairman of the group in August to take over from Professor Peter Hutton who stepped down in March 2009.

I am very grateful to Professor Hutton who, as first Chairman, did a tremendous amount of work in kicking off the EG, creating awareness of its very important work among key stakeholders, and building confidence in the group across the forensic science landscape.

The key activity for the EG for the year was its work in response to the decision of the European Court of Human Rights in *S & Marper*. The EG made a detailed submission to the consultation exercise run by the Home Office's Policing Powers and Protection Unit and followed it with further representations to Home Office Ministers. The EG was pleased that the Government's response to the judgment was via primary legislation reflecting the need for full political and public scrutiny of this complex and sensitive area. This was in accordance with representations made by the EG.

The EG has continued to develop its links with the National DNA Database Strategy Board, with EG members liaising with the relevant leads on the Strategy Board's work-streams to ensure ethical considerations are factored in at each stage in operational matters surrounding the database.

A Human Genetics Commission report *Nothing to hide, nothing to fear? Balancing individual rights and the public interest in the governance*

*and use of the National DNA Database* was published on 24 November, and part of its recommendations was the strengthening of the EG's secretariat to support its work. I am pleased that the Home Office has agreed to increase the level of support available to the group in the next few months.

We have continued to enjoy the support and assistance of the Forensic Science Regulator, who is our Home Office sponsor, the Chair of the National DNA Database Strategy Board, and the National Policing Improvement Agency. We have also continued to engage with stakeholders in and outside government through meetings and presentations.

Our work in the past year has also covered the following areas:

- Child consent and general rights
- Contributions to impact assessments and guidance
- Contributions to proposed changes in recording ethnic appearance
- Media engagement
- Fostering a challenging culture – raising awareness of ethical issues

Two members of the EG, Professor Steven Bain and Michael Menlowe, have stepped down. It has been a pleasure working with both and I would like to thank them for their very valuable contributions to the activities of the EG.

A handwritten signature in black ink, appearing to read 'C. Hughes'. The signature is fluid and cursive, written in a professional style.

Christopher Hughes OBE  
Chair, Ethics Group: National DNA Database

## CHAPTER 1

# SUMMARY

This is the third annual report of the Ethics Group (EG). Since the last annual report was published in September, the EG has met formally four times and work has continued in between meetings. Additionally, the Chair and members have continued to meet with stakeholders, working groups and other interested parties.

Some progress has been made through the National DNA Database Strategy Board and its working groups and the Home Office to implement the recommendations of the EG, especially on the recording of data on ethnicity and the implementation of the consequences of the S & Marper case.

The EG is pleased that the Home Office has acted on one of the recommendations of the Human Genetics Commission report on the National DNA Database and allocated more resources to the EG to help it carry out its tasks. The group is also pleased that the 2010 Crime and Security Act is an improvement on the previous position. However, this may not be in line with the decision on S & Marper. The EG's view was that the available evidence on the need to retain the DNA records of the un-convicted was unconvincing. The group continues to be concerned that the appeals process against the retention of DNA records is unsatisfactory.

The EG has in this annual report made a further set of recommendations:

1. To accept the fundamental need for prospective studies to ensure that key issues of the proportionality and relevance of the various uses/categories of individuals within the DNA database are illuminated by robust statistical information.
2. The effectiveness of the NDNAD in solving crime needs to be addressed with a proper statistical/evidence basis for any conclusions.
3. The National DNA Database Strategy Board and the NPIA should work with the EG towards an embedding of ethical considerations at all stages in the use, obtaining and retention of DNA samples and profiles.
4. The appeals process against decisions not to delete a profile from the database should be reviewed to ensure that the cost of an application does not act as an unreasonable bar to redress. Consideration should be given to referring such decisions to a specialist tribunal (such as that under the Regulation of Investigatory Powers Act) rather than panels of magistrates across the country who may very rarely consider such a case in practice.
5. The Database should be supported by a strong governance framework and there should be a clear and transparent accountability for its operations.

## CHAPTER 2

# VISION AND VALUES OF THE ETHICS GROUP

### 1.0 BACKGROUND

The Ethics Group of the National DNA Database (NDNAD) is an advisory non-departmental public body of the Home Office. The Ethics Group (EG) was established to provide Ministers with independent ethical advice on the operation and practice of the NDNAD. It came into being in 2007 and comprises members from different disciplines and professions led by an independent chair. It publishes its minutes, an annual report and various discussion papers to Home Office Ministers.

### 2.0 VISION

To ensure that all decisions relating to the forensic use of DNA (obtaining, storage, retrieval ) are considered in the light of ethical and Human Rights principles, and that Individuals may only have their DNA taken for lawful forensic purposes and at all times be treated fairly and with dignity and respect.

### 3.0 MISSION

‘We aim to ensure that the culture of the operational framework supporting the NDNAD in England and Wales places ethical issues at the forefront of all activities at all times.’

### 4.0 VALUES

The following are the values and principles that we bring to our role in terms of establishing and resolving ethical issues:

- That the NDNAD must have a proper lawful basis that is compatible with the Human Rights Act 1998 and which provides for independent and accountable governance of its operations
- That there are clear, detailed, open and transparent rules governing the every day operations of the NDNAD so as to ensure that processes are just and lawful and provide sufficient guarantees against the risk of abuse
- That the use of forensic DNA sampling should be appropriate and proportionate and should not discriminate against members of any section of society
- That the operations of the NDNAD are at all times fully based in credible science which shows a strong and cogent rationale for justifying such activities
- That all decisions taken in relation to the operation of the NDNAD within the criminal justice system are proportionate and fair when balancing the rights of individuals against the needs of society to detect and prevent crime.
- That all persons who are lawfully required to give a DNA sample are treated fairly with dignity and respect and that there is an established independent appeals process to guarantee their right to an effective remedy.

- That the public is fully informed about all aspects of the NDNAD in ways that are understandable including providing information to those individuals who are required to provide a DNA sample.
- That research using the NDNAD is only permitted after full consideration that it is fully compatible with these principles and has been submitted to independent scientific scrutiny.
- That the rights of children and young people should be protected in light of their vulnerability and in accordance with international conventions.

## CHAPTER 3

# MEMBERSHIP AND ACTIVITIES OF THE ETHICS GROUP (EG)

Since the publication of the EG's second annual report, Professor Peter Hutton has been replaced as Chair by Christopher Hughes. The EG membership is as follows:

<i>Chairman:</i>	Christopher Hughes
<i>Members:</i>	Mrs Julia Selman Ayetey
	Prof Steven Bain
	Dr Derrick Campbell
	Mrs Wendy Coates
	Ms Madeleine Colvin
	Mr Michael Menlowe
	Dr Jane Pearson
	Dr Clive Richards
	Dr Sameer Sarkar
	Ms Sarah Thewlis
	Dr Suzy Walton

Professor Steven Bain and Michael Menlowe have now stepped down due to work commitments. Replacements will be sought for them in the coming months.

During the year April 2009 – March 2010, a member of the EG attended the launch of the Detainee at Police Station Sampling (DAPPS) project. EG members also attended the Forensic Science Regulator's Stakeholder Conference, with the Chairman making a presentation. The EG also held an away-day in which they received contributions on genetics from Dr Paul Debenham, Director of Innovation and Development at LGC Forensics and Kirsty Faulkner, the manager of the National DNA Database. The group also used the away-day to develop its vision and values. An appraisal report on the contributions of EG members was

submitted by the Chairman to the EG sponsor, the Forensic Science Regulator as required by the Terms of Reference of the group.

During the year, there were four General Meetings of the EG. The notes of these meetings are published by the Home Office, and can be found on the Home Office website via the web link below:

<http://www.homeoffice.gov.uk/police/forensic-science-regulator/ndnad-ethics-group/>

There were several other subgroup meeting to take forward various work streams.

During the period of this report, the Chairman and members of the group met with, attended and/or made contributions and representations to:

- The Parliamentary Under-Secretary of State at the Home Office
- The Forensic Science Regulator
- The National DNA Database Strategy Board
- The National Policing Improvement Agency
- The DNA Good Practice Guide working group
- The DNA Sampling Kits working group
- The Children's Rights Director
- The Information Commissioner
- The Human Genetics Commission
- The Nation of Islam DNA Conference
- The Chief Scientific Adviser's annual reception for Chairs of Scientific Advisory Committees

## CHAPTER 4

# WORKSTREAMS COMPLETED AND DEVELOPED DURING THE YEAR APRIL 2009 – MARCH 2010

The EG continued to develop its links with the National DNA Database Strategy Board. The Strategy Board is the operational arm for implementing the recommendations of the EG. The EG Chairman sits on the Strategy Board as an ex officio member and EG members with lead responsibilities for certain issues were involved in the related Strategy Board work programmes.

The EG members and the Strategy Board work programmes are as follows:

- Wendy Coates and Sameer Sarkar – DNA custody sampling
- Sarah Thewlis, Derrick Campbell and Madeleine Colvin – Police elimination database,
- Clive Richards – Destruction of PACE samples
- Chris Hughes and Jane Pearson – Requests for research to the NDNAD
- Chris Hughes and Michael Menlowe – Horizon scanning of DNA profiling systems
- Julia Selman Ayetey and Wendy Coates – Diversity and community issues
- Madeleine Colvin - Removal of DNA samples, Exceptional case procedures
- Suzy Walton – protection of rights of children and young people in line with common conventions in the DNA sampling process, plus (all age groups) general consent issues and DNA sampling kits.

The work progressed to date in these areas is described below with detail being found in the meeting minutes.

### DNA CUSTODY SAMPLING

The EG continued to push through the Strategy Board and its working groups the adaptation of previous EG recommendations in relation to the taking of DNA samples. The EG was concerned that there seemed to be no mechanisms for feedback to the EG on whether the working group reviewing consent forms had taken account of recommendations from the EG. The EG also continued to push for an information sheet for volunteers when their DNA sample is being taken. The consent forms for taking samples from volunteers have been revised taking account of some EG contributions. A review of the forms will be undertaken by the NPIA and this provides an opportunity to revisit the other suggestions by the EG that had not been implemented, particularly for sampling children and the information available to individuals in custody suites.

The EG also had the opportunity to provide input in the drafting of consent forms for the project that aimed to rectify the situation where there was no DNA profile held on the National DNA database (NDNAD) for convicted persons.

The EG made representations to the Strategy Board on ethical issues around new DNA sampling kits before those kits were procured.

The EG contributed to the rewriting of the DNA Good Practice guide.

## **POLICE ELIMINATION DATABASES**

It is crucial to ensure that there was an auditable process for the databases kept by police forces that seem to be operating in parallel to the NDNAD. The EG will be exploring what is currently available, and discussing with the Strategy Board the necessary steps required to regularise such databases. These databases include ones held for the purposes of contamination elimination, counter terrorism and missing persons. Their purposes need to be clearly defined, with robust oversight and standards in place. They also need to be transparent. The existence of these databases raises a risk of extending the scope of DNA data collected beyond criminal justice purposes.

## **DESTRUCTION OF PACE SAMPLES**

Discussions have taken place between the EG, the Strategy Board and the NDNAD manager over the destruction of samples, especially volunteers after they have been eliminated from investigations, or the trial has been completed. The EG is pleased that the Crime and Security Act has provided a legislative footing and guidance for the destruction of samples taken in the process of a criminal investigation.

## **REQUESTS FOR RESEARCH TO THE NDNAD**

Part of the EG's remit is to consider applications for research involving access to NDNAD samples or data. The group has not received any applications, however, it had developed a form for handling such applications and this was part of the recommendations in the EG's first annual report. The form has seen further iterations

by the Strategy Board. The EG will continue to work with the Strategy Board and the NPIA to ensure that the protocol for research applications is implemented.

## **HORIZON SCANNING OF DNA PROFILING SYSTEMS**

The EG spent a considerable amount of time looking at emerging techniques and existing techniques being used in a different way or ways in which were not originally envisaged.

## **GENEALOGICAL PROFILING SYSTEMS**

There may be a requirement in the future to put Y-STRs on the database. These are DNA profiles obtained solely from the Y-chromosome – this is inherited from the male parent. There are plans to build a bespoke function on the NDNAD to conduct familial searches. The EG considered existing ethical considerations for conducting familial searches and was of the view that the process was not open and transparent in terms of when and how confidential information on parentage can be divulged.

There was also an issue of public awareness, especially for those individuals that volunteered samples for the NDNAD. There is the potential that DNA analysis would be used to potentially identify family members linked to unsolved crime and the implications of following up information derived from a familial search.

## **CODING DNA APPLICATIONS**

The EG gave consideration to the ethical implications of using the coding section of DNA for investigative purposes. In its last report the group recommended that a small working party of experts should look at the value and

consequences of forensic coding section analysis. The Chair has joined a small working group made up of Strategy Board members to investigate the ethical, operational and legal issues around the use of coding DNA. The Chair also held discussions with the Wellcome Trust and a workshop with them will be used to identify potential ethical issues around the use of coding DNA.

### ADAPT RESEARCH

The NPIA has set up the Accelerated DNA Profiling Technology (ADAPT) project within the Forensics21 Programme. They have commissioned research by the Centre for Genetics and Society to evaluate the benefits that genetic technologies like Rapid DNA bring to crime detection. The EG has been asked to consider the ethical implications and have held preliminary discussions on the issue. The EG's initial thoughts on the research are as follows:

- The EG will provide input on information and consent Forms
  - The EG will seek better understanding of ethical issues by improving dialogue so that the group can evaluate and influence the ethical considerations to be taken account of within the research.
  - The EG will develop/provide two strategies on ethical principles and research into policing
  - The EG will seek assurance on governance/processes and validity of using information and how information is entered onto the database.
- The EG will need to establish if there is 'a need to know' using DNA in the (custody) process confirms who you are if fingerprinting has already been done and where DNA has been found at unsolved crime scenes.

### DIVERSITY AND COMMUNITY ISSUES

The EG continued this year to make representations about its concerns about the disproportionate representation of some minorities on the NDNAD. In last year's annual report, the group recommended a standardised and uniform approach to the recording of ethnicity data. This has now been addressed because recording of ethnicity is no longer part of the sampling process. Ethnicity data for the NDNAD will be downloaded from the Police National Computer (PNC).

The Home Affairs Select Committee Report "Young Black People and the CJS" was published in 15 June 2007 and contained one recommendation on the NDNAD, which was that the Government should conduct a study to determine the implications of the presence of such a high proportion of the black male population on the NDNAD. The Government agreed with this recommendation.

The NPIA has since carried out a full Equality Impact Assessment (EIA) of the NDNAD and the ACPO DNA Good Practice Manual which provides guidance for police forces on the use of DNA, including the taking of DNA samples from persons in custody. The EIA has been published on the NPIA website.

It indicated that the over-representation of the black population on the NDNAD results from the over-representation of black people in the CJS rather than from NDNAD processes. The EIA has asked for further research to be done to produce a more robust estimate of the number of young black men on the NDNAD and has identified this as a priority.

The NDNAD Strategy Board is responsible for the governance of the EIA and is accountable for actions that arise out of the EIA.

The NPIA Equality Diversity and Human Rights team is currently working with the NDNAD Strategy Board, the NDNAD Database Manager and the NPIA Police Science and Forensics Unit to implement the recommendations made within the EIA. This work is being taken forward in consultation with the Equality and Human Rights Commission.

The Ethics Group will continue to monitor progress on this and ask for updates from the Strategy Board.

### **REMOVAL OF DNA SAMPLES AND EXCEPTIONAL CASE PROCEDURES**

The EG's policy was that there should be an independent, statutory appeals procedure in order to provide an effective remedy in terms of removal of DNA samples in exceptional cases. The procedure then involved applications to the Chief Constable. The Crime and Security Act 2010 has now established the statutory criteria for the destruction of volunteer samples. The EG still considers a procedure which leaves it to the discretion of individual Chief Constables runs the risk of being an inconsistent and discriminatory process. In particular, there

is no element of independence that is at the heart of the requirement to provide an effective remedy under the European Convention on Human Rights.

## CHAPTER 5

# REVIEW OF THE IMPLEMENTATION OF RECOMMENDATIONS MADE IN THE 1<sup>ST</sup> AND 2<sup>ND</sup> ANNUAL REPORTS

## RECOMMENDATIONS FROM THE 1<sup>ST</sup> REPORT

Recommendation	Progress made
<b>Recommendation A: Re-classification of voluntary samples</b> <b>Recommendation B: Non-loading on to the NDNA database of samples provided for elimination purposes</b>	New sampling kits will be rolled out for use for Elimination samples with effect from March 2010. There will be no ability to load these profiles derived from these kits onto the database. At present there will be no volunteer kit. This will be developed in line with the Missing Persons Database proposals. In the interim period if there is a need to load a volunteer profile onto the database the consent of the Chair of the NDNAD Strategy Board will be required and old kits will be used.
<b>Recommendations C&amp;D: Improvement of the process for taking consent and providing a better consent form for adult volunteers</b>	The decision that volunteers are no longer loaded to the NDNAD changes the basis upon consent needs to be sought and a new form is to be in place from March 2010.
<b>Recommendation F: It is vital to ensure the security and confidentiality of profiles and samples both within the CJS and when they are at processing laboratories</b>	The move to anonymous kits fulfils this recommendation
<b>Recommendations G &amp; H: The powers held by chief constables in the ownership of DNA profiles and samples and the process of removal need changing</b>	<p>These recommendations will need to be reconsidered in the light of the outcome of the current legislative process. An early deletion proposal is being developed to replace the previous Exceptional Case Procedure. It will be centrally based and strict guidelines developed for Chief Constables to ensure consistency nationally when considering requests for deletion.</p> <p>The Ethics Group remains concerned that these proposals will not result in an independent, single, coherent system where the decision-making is done in a transparent way against clear and proportionate criteria.</p>

Recommendation	Progress made
<p><b>Recommendation I: Better definition of the exact role and usage of NDNAD</b></p>	<p>The changes to the sampling kits mean that profiles not derived from crime scenes are only loaded onto the database as a result of arrest. Crime scene profiles will continue to be loaded as previously. The role of the database is laid out in the annual report of the Strategy Board and underpinned by the governance framework for the database. There is a requirement within the Crime and Security Act for an annual report to be submitted to Ministers and places the Strategy Board on a more statutory footing.</p>
<p><b>Recommendation J: Formally announcing that there will not be a universal database of the whole population</b></p>	<p>There has been no Ministerial statement or other voice of authority to this effect. The Crime and Security Act does not contain such a proposal and there are no Ministerial statements indicating support for the proposal. The new Coalition Government has indicated an interest in following the Scottish model for retaining samples, and this moves further away from a universal database.</p>
<p><b>Recommendation K: That there should be a standard ethics form to be completed when applications are made to research the NDNAD</b></p>	<p>Requests for research need the approval of the Strategy Board and this requirement is part of the governance structure. The requirement will need to be incorporated into the NPIA quality system. A form has been developed by the EG to capture the required information to allow an appropriate analysis of a research proposal. This needs to be implemented by the Strategy Board.</p>

## RECOMMENDATIONS FROM THE 2<sup>ND</sup> REPORT

Recommendation	Progress made
<p><b>Recommendation 1: To ensure that the progress made on consent for adult volunteers is followed through to completion</b></p>	<p>This is considered at A-D of the progress made on recommendations in the first annual report.</p>
<p><b>Recommendation 2: To accept and take forward the EG's proposals on consent for children and young people</b></p>	<p>At present the DNA sampling process does not take account of the Gillick Competency Principles which are prevalent in medicine and which, after thorough consultation, the EG recommended when DNA is taken from children and young people. The EG felt strongly about this issue and produced a paper specifically on this issue. <b>It therefore remains the case that the EG's recommendations have NOT been taken up to the satisfaction of EG.</b> The key recommendations of EG are not repeated here but are contained within the paper "Volunteer sampling of DNA for policing in children and young people." November 2008 (available from Home Office secretariat or EG chairman). It is conceded that since the new sampling policy which becomes effective Spring 2010 will seek to take DNA from children on an exceptional basis only, that far fewer children will be sampled than was previously the case. Nonetheless, there will be occasions where children are asked to consent to DNA being taken.</p>
<p><b>Recommendation 3: To accept that the current data on ethnicity stored on the NDNAD is not fit for purpose and to press the CJS to move to a standardised and uniform recording system for ethnicity data (e.g. the 16 + 1)</b></p>	<p>Recording of ethnicity is no longer part of the sampling process. The Second Home Affairs Select Committee report indicates that three-quarters of young black males will soon be on the DNA database. Ethnicity data for the NDNAD will be downloaded from Police National Computer. The new PNC Police National Database should be operationally effective from December 2010 and has the ability to obtain self reporting ethnicity data.</p>

Recommendation	Progress made
<p><b>Recommendation 4: To urgently improve the level of easily available and assimilated public information on the use of forensic DNA.</b></p>	<p>A website is under development by the NPIA. This website is designed to give information to the public and professionals on the database. The EG supports this development however it goes not go as far as the EG had asked in recommendations. There is a continued and widely acknowledged need to provide information to individuals who are being sampled at the time they are being sampled. Individuals may be in a state of increased anxiety and should be provided with basic information covering:</p> <ul style="list-style-type: none"> <li>a) What DNA is (and what is it not – many people have a misperception from the media);</li> <li>b) How their sample will be taken;</li> <li>c) What will happen after their sample is taken;</li> <li>d) What their rights are.</li> </ul> <p>The EG produced an information template sheet to sit on the back of the consent form. They based this template on an early prototype by NPIA which was believed to not fully meet the needs of the public. There has been acknowledgement as part of the recent procurement exercise for new sampling kits of the importance of providing people with information but there is currently no work underway to produce DNA information sheets.</p>
<p><b>Recommendation 5: To monitor the research being undertaken on longitudinal crime careers and to take note of these results in balancing the individual against the public interest</b></p>	<p>Research material was published as part of the consultation process on the response to S and Marper. No systematic programme of research evaluating the impact and proportionality of the database is in place.</p>
<p><b>Recommendation 6: To work constructively with the Scottish CJS system in developing the rationale for retention policies</b></p>	<p>Neither retention policy has a substantial evidential base justifying the policy. The new Coalition Government has signalled its intention to follow the Scottish retention model.</p>

Recommendation	Progress made
<p><b>Recommendation 7: To ensure the NDNAD Strategy Board urgently reviews the need for the retention of DNA samples as well as profiles</b></p>	<p>The Crime and Security Act requires the destruction of samples. The Strategy Board intends in any event to proceed with a systematic destruction of samples.</p>
<p><b>Recommendation 8: To continue to press for an improved statutory base for the NDNAD and its operation and for a simpler appeals process.</b></p>	<p>The Crime and Security Act has been passed by Parliament. The provisions within the act for an appeals process are inadequate.</p>
<p><b>Recommendation 9: To support (at present) a moratorium on the use of coding section DNA for forensic purposes and to set up a short-life working group to advise on the value and consequences of moving into this area.</b></p>	<p>A working party has been set up.</p>
<p><b>Recommendation 10: To note the judgment in the S and Marper case and to interpret and advise on its consequences for England and Wales</b></p>	<p>The Crime and Security Act has been passed by Parliament.</p>

## CHAPTER 6

# RECOMMENDATIONS

1. To accept the fundamental need for prospective studies to ensure that key issues of the proportionality and relevance of the various uses/categories of individuals within the DNA database are illuminated by robust statistical information.
2. The effectiveness of the NDNAD in solving crime needs to be addressed with a proper statistical/evidence basis for any conclusions.
3. The National DNA Database Strategy Board and the NPIA should work with the EG towards an embedding of ethical considerations at all stages in the use, obtaining and retention of DNA samples and profiles.
4. The appeals process against decisions not to delete a profile from the database should be reviewed to ensure that the cost of an application does not act as an unreasonable bar to redress. Consideration should be given to referring such decisions to a specialist tribunal (such as that under the Regulation of Investigatory Powers Act) rather than panels of magistrates across the country who may very rarely consider such a case in practice.
5. The Database should be supported by a strong governance framework and there should be a clear and transparent accountability for its operations.

## CHAPTER 7

# FUTURE WORK PLAN

To engage with the National DNA Database Strategy Board throughout programmes to ensure potential ethical issues are addressed and embedded from an early stage.

To continue to play a role in establishing and communicating the facts about the ethical issues around the NDNAD and the activities of the EG to stakeholders and the wider public and continue to explore further links with interested stakeholders.

To develop a dialogue with the Home Office, NPIA and academia about the fundamental need for prospective studies to ensure that key issues of the proportionality and relevance of the various uses/categories of individuals within the DNA database are illuminated by statistically robust information.

To explore whether the effectiveness and therefore need for the NDNAD can be supported by a strong statistical/evidence basis.

To investigate further the police elimination database and any other DNA databases, all the issues surrounding it, including its governance, and keep a watching brief on the proliferation of databases.

To consider the basis for the missing persons database and ensure that this and other databases are necessary and proportionate.

To ensure all DNA databases under government control are subject to governance rules and their use is transparent.

To ensure all research applications conform to ethical standards and to audit research requests that are considered by Strategy Board to ensure there is consistency and fairness in responses to research applications.

To continue to work on ensuring the implementation of the ECtHR decision in S & Marper, including legislation for a proper statutory framework for the database and a new independent appeals process, and advise new Ministers on ethical implications of any new proposals for the NDNAD.

To monitor developments on the forensic use and development of DNA science and technology and any wider issues such as international cooperation in the exchange of genetic information, ensuring there is proper protection of human rights and liberties.

To continue to keep an eye on the treatment of children and young people in relation to DNA sampling and retention with a view to ensuring that their distinct rights are recognised.

To continue to monitor and assess potential disproportionate or discriminatory effects the use and operation of the NDNAD may have on ethnic minority groups.

Over the next 12 months the EG will concentrate on the implementation of the S & Marper judgment, the various databases, engaging with the Home Office and the Strategy Board on establishing the effectiveness of the NDNAD using strong statistical evidence and future DNA technology.

