

National DNA & Fingerprint Databases Strategy Board

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Open Minutes of Meeting

28th June 2016

11:00 – 13:30

MPS Offices, London

Present:

Name	Organisation
Gary Pugh (GP) (Chair)	Director of Forensic Services, MPS
Alan Pratt (AP)	Home Office
Leigh Fleeman (LF)	MPS
Fiona Douglas (FD)	Scottish Police Authority
Jo Ashworth (JA)	Director of Forensic Science, East Midlands
Robert Butlin (RB)	Home Office
Kirsty Faulkner (KF) (minutes)	Home Office
Simon Efford (SE)	Home Office, Association Police and Crime Commissioners
Carl Jennings (CJ)	Home Office
Brendan Crean (BC)	Home Office
Chris Hughes (CH)	DNA Ethics Group Chair
Graham Kissock (GK)	PSNI
Anthony Harbinson (AH)	Department of Justice Northern Ireland
Jonathan Vaughan (JV)	Home Office, CAST
Neil Denison (ND)	West Yorkshire Police
Paul Wiles (PW)	Biometrics Commissioner (BC)
Victoria Longworth (VL)	Home Office
Tracey Mills (TM)	Home Office (Biometrics Programme Manager)
Meagan Mirza (MM)	ICO
Gillian Tully (GT)	FSR
Rod McLean	Home Office
Tony Regan (TR)	Home Office by telephone
Emma Burton-Graham	Home Office by telephone
Shazia Khan	MPS – part of meeting

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Apologies:

Name	Organisation
Gemma Gyles (GG)	Biometrics Commissioner Office (BC)
Peter Gilleece (PG)	Department of Justice Northern Ireland

1.0 Welcome and Introduction

1.1 Gary Pugh, as the new chair of the meeting, said it was an honour and privilege to be chairing the meeting again. He welcomed Paul Wiles as the new Biometrics Commissioner to the Strategy Board.

2.0 Apologies

2.1 Apologies are noted as above.

3.0 Previous Minutes

3.1 There were some typographical errors in the previous minutes that will be corrected before they are published. GP asked for people to provide any other comments to KF as soon as possible.

3.2 The minutes from the DNA Operations Group were provided for information to the group.

4.0 Action Register and Matters Arising

a. Action Register and Recommendations/observations from other annual reports

4.1 KF took the board through the actions register and pointed the group to look at the table provided on the recommendations/observations from other annual reports.

Actions 1/16 and 5/16 were closed. Action 29/15 (review the policy on research requests) is yet to be started and the remaining actions are in progress and progress was provided as part of the action list.

b. Presentations

4.2 BC gave a presentation on the Biometric Strategy and the HO Biometrics Programme. He noted that the strategy is awaiting approval to publish. He noted that the strategy commits to completing a Privacy Impact Assessment (PIA) by the end of the year, but will be dependent on when the biometrics strategy publication date is.

GP thanked BC for the presentation and appreciated the approach that had been taken. He noted that the tension between the long term vision and BaU. He noted that facial imaging is an issue now and it will be drawn into a PIA, particularly as there is more use of face, especially at borders. MM expressed her interest in a discussion once the Glasgow pilot was underway.

4.3 KF provided an update from the research paper that had been agreed at the previous meeting. The review will take place after the receipt of data, which is expected to be early July.

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5.0 Policy

5.1 Governance Review

There was a general debate around the future structure and focus of the meeting. Gary had written to all members before the meeting and he used the letter as the basis of the discussions. The focus of the discussions were on:

1) Original Governance Rules.

GP reflected that the debate previously has been about whether the remit of the NDNAD Strategy Board related to overseeing of DNA profiling or the DNA database.

GP noted the clear view was it should be focused on database rather than the whole DNA supply chain. He went on to say that the Board would look to GT for advice on DNA profiling in the round and the accreditation of the processes, and he acknowledged GT also had a remit for standards in the operation of associated databases.

GP set out the core purpose of the NDNAD was to provide accurate and reliable matches.

CH noted that assurance is looking at what is done and that it is done well. He gets the assurance from GT that the techniques are robust and the statistics are sound.

GT agreed the remit should be databases and not DNA profiling more widely. She acknowledged that she and NDU are working closely to align the standards and technical requirements which will sit as an appendix to the FSR Codes of Practice.

GP noted that some of the current governance rules need updating to, for example, including fingerprints.

Action 6/16: GP to meet with Home Office Policy and NDU – post meeting update meeting to take place on 14th July.

2) NDU responsibility

GP recognised that the NDU escalated issues relating to the NDNAD and it was agreed that through the robust management of the Unit, the strategy board was assured of the NDNAD service.

3) Extension to other databases, e.g. fingerprints, face (even firearms and drugs and footwear).

GP mentioned the helpful presentation ND gave to the group at the last meeting. He went on to say that if there is the adoption of the same principles as DNA, then the oversight would be the fingerprint database not the fingerprint process as a whole. It was agreed that face was more challenging than fingerprints. ND reflected that fingerprints evolved in a different way, leading to a dispersed operating model compared to NDNAD and that fingerprints are also used to validate identity which is a larger remit than DNA.

JV referred to David Shaw's leadership of the fingerprints governance group which has the scope of police use of fingerprint databases, with a link to immigration systems. GP expressed his gratitude to David Shaw for the advice and support he had given to the police service and the Board.

LF noted the hosting of CT databases has an oversight board that she provides the link to as the lead she confirmed that the operation of the CT databases needed to be of the same standard, transparent and the technical solution should look at the whole set of systems.

HOB envisaged the Board to provide oversight, and it was noted that the HOB has an ambition (through the publication of the Biometrics Strategy) to produce a PIA by the end of the year, it would be useful that there is a body to report the outcome to.

CH expressed the view that there should be technical harmonization and high standards. Integration needs proper scrutiny and public participation and consultation. GP reinforced this by stating that transparency is a key principle of the Board.

PW noted that role of Fingerprints and DNA in PoFA, and he noted that it was a different position to face, and the facial review had not been published. He went on to ask where the strategy for the databases gets set. He noted that Paul Lincoln chairs another Board. GP noted that the board does not set or own a

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strategy and is guided by the Government's Strategy. He stressed that he was keen to get the views from the Board. He agreed to meet with CPFG colleagues to understand the goal and he would be mindful not to duplicate activities. He recognized that it is important to clarify the whole of the governance within this area of business.

MM expressed that she thought that it should be oversight rather than strategy and she noted the select committees confusion.

The Board went on to consider the membership of the Board. There are 2 categories of membership:

Core:

NPCC,
Home Office,
PCCs.

The governance rules state that all three core members should be present to make the meeting quorate.

Individuals or organisation who have reporting lines to Ministers:

FSR,
Ethics Group,
Biometric Commissioner,
ICO,
Scotland,
Northern Ireland.

SE said that the thinking from the APCC had moved on since the letter correspondence between Alan Michael and Mary Callam and there is the annual general meeting on 21st July and a paper will be presented to the meeting asking for regular representation at the Strategy Board. GP reflected that the support from the APA was invaluable and the previous APA member, David Money had served the Board well. SE responded by saying the issues from a PCC perspective were: transparency, public confidence and clarity of function and the link to police reform. He also noted that there is a rigid consultation process in operation within APPC compared to when the PCCs were last involved in the Board.

GP expressed his view that there was a role to provide independent oversight and there was value of those individuals who had separate reporting lines to ministers to provide their views. MM agreed. CH went on to say that he saw a clear split, likening it to non-executive directors which have separate responsibilities to the core members; how it works needs to reflect the effective discharge of roles.

GP went on to make is final point around this discussion topic. He asked members of the board to consider the agenda and how it can accommodate fingerprints and still be effective.

JV noted that the governance arrangements for fingerprints was different and David Shaw was keen to close any gaps. GP noted that the reporting and risk management that DNA operates are not necessarily as clear for the fingerprints databases.

PW advised that it should focus on commonality and ensure the right level of debate. He went on to say that there should be appropriate places to consider the grass route issues.

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ND reflected that there should be consideration of facial imaging now so that the key points can be considered before a service is established. GP noted that facial images did not fall within PoFA, the NPCC lead for face would need to be consulted. MM stated that ICO had met with Mike Barton and there are some practical aspects to consider.

PW noted that with face there are a variety of databases in different places, fingerprints are moving to convergence and DNA is converged. He asked whether it would be too much stretch for the Board.

JA added that from an end user perspective that it would be helpful to declutter and to understand the relationships with the other groups, such as the DNA Operations Group. She thought it would be helpful to define the principles on what to bring to the Board to which GP agreed.

5.2 Litigation, legislation and PoFA implementation

CJ presented paper 6.2 giving an update on litigation and legislation. There are 5 outstanding cases being challenged pertaining to retention of DNA and FP data, the meeting was updated on the progress of these challenges. The paper also noted the intention with regards to the approach to be taken for changes to legislation.

- Primary legislation on retention of DNA and fingerprints taken in England and Wales (E&W) on the basis of a conviction elsewhere. An amendment to address this issue has been put forward as part of the Policing and Crime Bill with Royal Assent planned for January, which would allow the new power to be commenced around March 2017.
- Secondary legislation - A statutory instrument to extend the list of qualifying offences is being taken forward, and is expected to become law in the autumn.
- European legislation – No change from last period.

CJ also reported that the PoFA Working Group had been re-established and was due to take place on 21st July 2016.

AH raised the issue that the DOJNI had carried out an extensive review of the list of qualifying offences which was shared with Carl Jennings and whilst the Home Office was not initially receptive to extending its list beyond the 20 or so it had identified, he said it would be helpful if they could review that position given the serious nature of the offences and public protection issues arising from them. AH highlighted how important an issue this was for them, PW also commented on this issue.

Action 7/16: CJ to discuss the list of qualifying offences further with DOJNI

KF presented paper 6.3 on the lawful match guidance. There was a general discussion about the guidance and it was agreed that this should be considered at the PoFA Working Group and a HO legal view would be sought.

Action 8/16: CJ to seek legal view of lawful match guidance.

6.0 Forensic and Biometric Strategy

6.1 It was noted that the presentation earlier in the agenda gave an update on the Biometric Strategy and the key points in the Forensic Science Strategy Action Plan were noted at the meeting.

GP asked VL about the governance statement within the Forensic Science Strategy. VL responded that the strategy committed to a review of internal governance. She went on to say that KF and she would be

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performing a light touch review during the summer. GP also referred to the Ethics Group expansion and urged for a wiring diagram to be produced.

- 6.2 TR gave an update on the Joint Forensic and Biometric Service programme. He noted that JFBS sits alongside HOB. HOB will deliver better policing through digital. He described the process from consultation with forces in January to going through the discovery phase to produce a concept which in turn into a proposition. Doing forensics digitally will deliver justice faster taking offenders out of the community. He noted that force case management systems were tired and there was fragmentation of processes. He informed the group that the next steps was to present to CCs and PCCs on 1st July at a summit meeting and then it will be presented at the Chiefs Council and possibly to the APPC in July. If the CCs and PCCs are keen then there will be a bid to the Transformation Fund available from the Home Office. He noted that there has been good interest from forces to date. The business case will have a Research and Development focus. LF noted that the work needed to consult with CT and national security and other communities. AP asked that TR clarify the digital application of forensics and digital forensics, as these are very different concepts.

GP noted that HOB would mean significant transformational change and it would support business change. Changes to forensics would lead to changes to policing operating models and a move to enabling faster forensic results.

TR noted that JFBS would not be mandated and would join on a voluntary basis.

7.0 Developments

- 7.1 RB gave a brief update on HO international matters and he noted that the extent of the priority for the previous work that has been reported to the Board is yet to be clarified.

GP introduced Shazia Khan (SK) who had submitted a paper relating to international exchange from a MPS perspective. Board members were asked to feed any specific details into SK.

8.0 Substantive Change Projects

- 8.1 It was noted that the presentation in the earlier part of the meeting provided an update on the HOB Programme.

- 8.2 The remaining projects were not discussed, but members were asked to refer to the relevant papers within the Board pack.

9.0 Stakeholder Updates

- 9.1 Biometric Commissioner

PW thanked the Board for their patience as he has only just started in this role on. He noted that there was a new group looking at PoFA and he was seeking resolution to land quite quickly. GP offered to meet with PW.

- 9.2 Ethics Group Update

CH updated the Board that the Ethics Group was looking at an overarching ethical framework; current genetic sequencing; DWP comments, facial image review and biometric strategy.

- 9.3 FSR

GT talked through the paper she had prepared on the use of Streamline Forensic Reporting. She suggested that the best way forward would be to commission work to understand what could be safely reported using the 1: billion figure. Her role was to assess the risk in providing the statistic. The statistic is based on a

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general assessment rather than looking at a case by case basis. JA responded that she broadly agreed but felt that the approach was like falling off a cliff as the current approach meant that if there was only 1 designation not called in a profile, then this would not be reported through SFR,. She felt that this was a huge operational issue and without the figure it devalued the outcome, particularly in volume crime. She went on to say that she supported the research and there needed to be a gap filled between the Good Practice Manual and the understanding. She also said that there was a risk that forces would find their own way to get advice.

CH added that the quality of the communication of the output and for the CPS to understand the value of possible evidence. PW went on to say that public had huge expectations and it went way beyond communication. If the understanding was not effective, it would seriously damage forensic science

Action 9/16: GT, GP, CPS and KF to meet to understand what can and can't be done to progress this work.

Action 10/16: Following the meeting GP would write to Chiefs reinforcing the value of DNA matches and encouraging the education of police personnel.

9.4 ICO

MM updated that group that Liz Denham would be the new CEO for ICO in mid-July. She said that there was still an understanding that the new Data Protection Act would be implemented in 2018, but currently did not know the extent of impact on domestic policing. She gave an update on the breaches that had been issued by the ICO within the criminal justice system. She noted that there ICO were seeing an increasing trend on complaints for PNC retention, linked to the 100 year retention policy.

10 Strategic Risk Register

10.1 KF noted the papers for this section and asked if people had questions that they should come directly to her. She noted that there had been some down time during June which had reduced the performance against the expected service performance measures.

11.0 Any Other Business

None tabled

Next meeting: 27th September 2016, 11:00 start. MPS Offices