

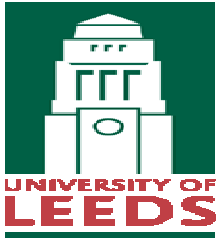
# The Future of Forensic Bioinformatics



The  
Nuffield  
Foundation



# Session Four – Governance, Integrity and Integration



- The arrangements for the governance of FB collections in the UK are coming under increasing critical scrutiny.



- Has included examination of the relationship between governance arrangements and other aspects of public policy – especially the prevention of crime and the protection of individual rights.

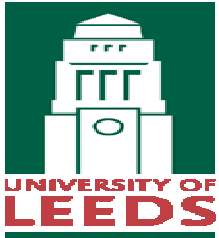


- Realising a satisfactory governance structure has gained urgency since *S and Marper*.



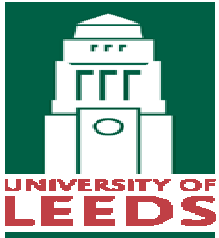
- Also significant changes in governance arrangements, the public policy issues that underlie them, and their likely consequences, including:

# Recent changes



- Creation of the NPIA;
- Establishment of the Forensic Regulator;
- Establishment of the NDNAD Ethics Group;
- The changes to the National Automated Fingerprint System (NAFIS) and IDENT1;
- Government expectations and the funding of FB;
- Are present governance arrangements adequate? Are there lessons available from other bioinformation and biometric data collections in the UK and elsewhere including the UK Biobank?

# Questions



1. Should a statutory basis for biometric governance be created within a single piece of legislation focused on this issue and not distributed through various general Criminal Law statutes?



2. Should new governance legislation deal with all bioinformation collections, all forensic science, or all types of personal information managed by the police?

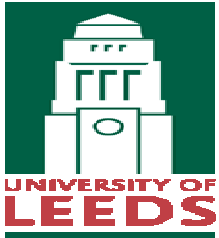


3. What models might be found for acceptable governance frameworks (Canadian, French or Dutch DNA database legislation perhaps)?



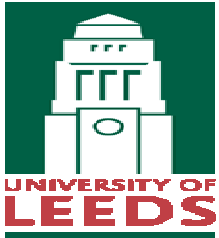
4. Are there clear principles that need to be considered for inclusion?

# Questions



5. How are such principles best incorporated into legislation (i.e. in relatively inflexible primary legislation, in more easily amended secondary legislation or to be interpreted and developed as a body of doctrine by a commission)?
6. How should we understand the relationship between bioinformation databases and wider aspects of the criminal justice process and public policy?
7. Are there changing conceptions of issues such as 'privacy' in the 21<sup>st</sup> Century that need accounting for?

# Questions



8. Should measures for ensuring conformity of practice and governance in line with such principles only take place at a national level when police forces are organised locally?

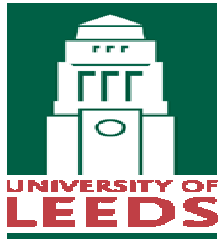


9. If used for 'counter-terrorism' for example, how far does this stretch? Does it encompass only serious offences (which?) or can this include minor offences?



10. What is the role of the new Forensic Regulator in governance of forensic bioinformation?





11. What mechanisms need to be created to assure the transparency and accountability of the uses and users of forensic bioinformation?



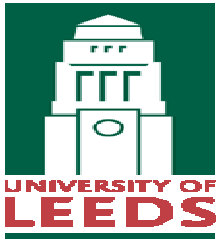
12. How do commercial considerations affect issues of transparency and accountability?



13. What mechanisms need to be created to ensure consistency in policy and practice in the management of different kind of forensic bioinformation databases?



# Integrity



- Concerns over 'gaps' in regulation/ superficiality.



- Forensic bioinformation research and R & D



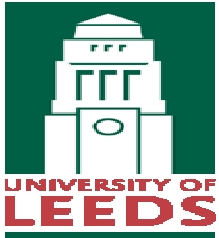
- Public confidence in forensic bioinformation/ communication.



- Common language/ nomenclature?



# Questions



14. How is public confidence to be maintained in the integrity of the governance arrangements?

15. What regimes of (effective and ethical) governance are best able to provide such confidence?



16. Are new issues raised by the increasing effort to 'join-up' information databases and by the needs of counterterrorism?

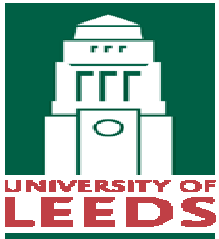


17. Are new or separate issues raised by the increasing use of such data collections for the identification of bodies, especially in Disaster Victim Identification work?



18. How should research uses of FB collections be governed?

# Integration



- Multitude of diverse ‘stakeholders’; influential bodies; ‘users’.

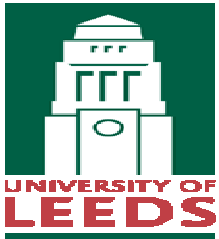
19. How is forensic bioinformation to be integrated into wider policies and practices in policing and criminal justice?



20. How should forensic bioinformation be integrated into the governance of other uses of information by the police and other agencies?



# Marper and Beyond



21. Who should regulate the *taking* of bioinformation and how?



22. What challenges have been created by the *Marper* judgement?

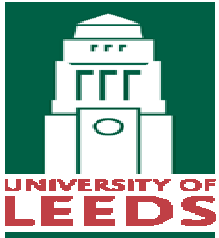


23. What new arrangements – either provisional or longer term – are necessitated, and are there suitable models in other jurisdictions?



24. What new policies/research might be occasioned by the judgement?

# Questions



25. Are 'resources' arguments sustainable generally in terms of the ethical governance of bioinformation; the kind of governance framework for the CJS; and the law as stated in the *Marper* judgment?



26. If Chief Constables 'own' DNA data, is this concept of ownership appropriate?

