



The Future of Forensic Bioinformation

Seminar One – 13th January, 2009. 28 Bedford Square, London.

Agenda

- 0930 Tea/ Coffee
- 1000 Welcome and Introduction to the seminar
- 1020 Session One – *'Governance'*
- 1115 Tea / Coffee
- 1140 Session Two – *'Integrity'*
- 1300 **Lunch**
- 1400 Session Three - *'Integration'*
- 1515 Tea/ coffee
- 1540 Session Three – *'Integration'* continued
- 1630 Concluding discussion
- 1700 Close
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Contributions

Attendees will not be asked to give formal 'presentations' and there will no 'podium speakers' as such. Instead, it is hoped that each attendee will be able to consider the questions outlined below (in addition to adding any issues that they feel have been omitted but merit discussion) and come with the intention of sharing their perspective on each of the issues. The seminar will then be a discussion between experts, each contributing to the intended debate.

Chatham House Rule

The seminar will operate under the Chatham House Rule in order to facilitate a frank and open discussion. The Chatham House Rule reads as follows:

When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

This seminar will consider:

- The current arrangements for the governance of forensic bioinformation collections in the UK
- The relationship between these arrangements and other aspects of public policy – especially the prevention of crime and the protection of individual rights
- The significance of the recent ECHR 'Marper' Judgement for these arrangements

The format will be a series of structured and necessarily short discussions on the issues listed below led by the organisers. This is intended to encourage maximum participation by all attendees in identifying the options for resolving each issue, relevant sources of data and precedents. It is also hoped to clearly identify those issues where a consensus has been reached or may be possible between the different perspectives and interests represented at the seminar and, where this is not possible, at least clarify the extent and significance of any disagreement.

Session One - Governance

This session will consider the current arrangements for the governance of forensic bioinformation collections in the UK. We will attempt to answer the following questions:

1. What principles of governance give shape to the current arrangements for the governance of forensic bioinformation collections in the UK?
2. How should we understand the relationship between bioinformation databases and wider aspects of the criminal justice process and public policy?
3. What current challenges face forensic bioinformation policy and practice?

In particular, there will be consideration of several recurrent 'strands' of governance in relation to the NDNAD and IDENT1 in particular:

- The legislative and jurisprudential framework for taking, retaining and using bioinformation;
- The establishment and maintenance of scientific standards;
- Operational accountability;
- The wider social and ethical landscape relating to the uses of forensic bioinformation in support of criminal justice and public safety

Session Two - Integrity

Session Two will consider how public confidence is maintained in the integrity of the governance arrangements. Key questions to be answered will include:

1. What regimes of (effective and ethical) governance are best able to provide such confidence?
2. Is there consistency in policy and practice in the management of different kind of forensic bioinformation databases?
3. What mechanisms exist to assure the transparency and accountability of the uses and users of forensic bioinformation?
4. Are new issues raised by the increasing effort to 'join-up' information databases and by the needs of counterterrorism?
5. 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?
6. How do commercial considerations affect issues of transparency and accountability?
7. How should research uses of forensic bioinformation collections be governed?
8. What are the likely immediate developments in forensic bioinformation technologies and their uses

Session two will also look to recent developments including recent changes in governance arrangements, the public policy issues that underlie them, and their likely consequences, including the:

- Role of NPIA;
- Establishment of the Forensic Regulator;
- Establishment of NDNAD Ethics Group;
- NAFIS/ IDENT1;
- Government expectations and the funding of forensic bioinformation.

Conclusions will be drawn on where the present arrangements may be inadequate and whether there are lessons available from other bioinformation and biometric data collections in the UK and elsewhere including the UK Biobank. We will also consider the governance of forensic DNA collections alongside the growing collection and use of other forms of personal data in the UK. .

Session Three - Integration

The final session will consider how the use of forensic bioinformation is integrated into wider policies and practices in policing and criminal justice and also integrated into the governance of other uses of information by the police and other agencies. Discussion will include areas of future policymaking including:

- Policing strategies and priorities;
- The role of the NDNAD Strategy Board;
- The role of the Regulator;
- The CPS and bioinformation;
- The position of the NDNAD ethics group;
- External research;
- End users;

Finally we shall turn attention specifically to reviewing whether our discussions about governance, integrity and integration have adequately taken into account the 'Marper Judgement' including:

1. What challenges have been created by this judgement?
2. What new arrangements – either provisional or longer term – are necessitate
3. What new policies/research might be occasioned by the judgement?

(Other seminars will provide opportunities to consider in detail the implications of this judgement on the effective use of forensic bioinformation and international cooperation.)

Useful Reading:

- ACPO, Exceptional Case Procedures for Removal DNA, Fingerprints and PNC Records (2006), <http://www.acpo.police.uk/asp/policies/Data/guidance%20for%20removal%20from%20database.doc>
- Fraser, J. *Acquisition and Retention of DNA and Fingerprint Data in Scotland* (June 2008), <http://www.scotland.gov.uk/Resource/Doc/239066/0065846.pdf>
- NDNAD Annual Report 2006-07 <http://www.npia.police.uk/en/11403.htm>
- NDNAD Ethics Group Annual Report 2007 <http://police.homeoffice.gov.uk/operational-policing/forensic-science-regulator/ndnad-ethics-group/>
- NPIA: Forensics21 Programme, see: <http://www.npia.police.uk/en/10432.htm>
- NPIA: IDENT1, see: <http://www.npia.police.uk/en/10504.htm>
- Nuffield Council on Bioethics, *The Forensic Use of Bioinformation: Ethical Issues* (September 2007), [http://www.nuffieldbioethics.org/fileLibrary/pdf/The forensic use of bioinformation - ethical issues.pdf](http://www.nuffieldbioethics.org/fileLibrary/pdf/The%20forensic%20use%20of%20bioinformation%20-%20ethical%20issues.pdf)
- PACE 1984 Code D (2008), *Code of Practice for the Identification of Persons by Police Officers*, [http://police.homeoffice.gov.uk/publications/operational-policing/2008_PACE_Code_D_\(final\).pdf?view=Binary](http://police.homeoffice.gov.uk/publications/operational-policing/2008_PACE_Code_D_(final).pdf?view=Binary)
- Police Science and Technology Strategy 2004 – 2009 http://www.homeoffice.gov.uk/documents/PoliceST_S2_part11.pdf
- UK Biobank *Ethics and Governance Framework Version 3.0* (October 2007), <http://www.ukbiobank.ac.uk/docs/EGF20082.pdf>
- S & Marper v UK* (4th December 2008) <http://www.bailii.org/eu/cases/ECHR/2008/1581.html>

Attendees

Steven Bain	Human Genetics Commission
Martin Bill	FSS Senior Scientific Manager
Simon Bramble	NPIA
Bob Bramley	Chairman UKAS and UNDOC, adviser to FSRU
Sarah Cunningham-Burley	Human Genetics Commission
Stacey Dibbs	ACPO
John Dickinson	Will speak from personal experience as the father of a victim
Jo Fish	Head Biometrics Group, SOCA
Peter Gill	Strathclyde University
Bob Hepple	Cambridge University
Peter Hutton	Chair: NDNAD Ethics group
Jane Kaye	University of Oxford, ETHOX
Graeme Laurie	University of Edinburgh
Carole McCartney	(Project Team)
Jim Munro	Home Office
Gary Pugh	Metropolitan Police
Andrew Rennison	Forensic Regulator
Karen Squibb-Williams	CPS Policy Directorate
David Smith	Deputy Information Commissioner
Richard Tutton	CESAGEN, Lancaster
Helen Wallace	Genewatch
Robin Williams	Chair (Project Team)
Shelia Willis	Chair, Forensic Providers Group, FSRU.
Tim Wilson	Chair (Project Team)

Travel Expenses

We hope that you will be able to reclaim expenses from your employing organisations. If this is not the case, we are able in some instances to secure a contribution to travel costs (up to a maximum of £100 per seminar attended). Please contact Carole McCartney for further details.

For enquiries please contact:

Dr Carole McCartney,
School of Law,
University of Leeds,
Leeds, LS2 9JT.
Telephone +44 (0)113 34 35051
e-mail: lawcim@leeds.ac.uk