

• The Future of Forensic Bioinformatics



Agenda – Seminar One



- 1000 Welcome and Introduction
- 1020 Session One – ‘Governance’
- 1115 Tea / Coffee



- 1140 Session Two – ‘Integrity’
- 1300 Lunch



- 1400 Session Three - ‘Integration’
- 1515 Tea/ coffee
- 1540 Session Three – ‘Integration’ cont.

- 1630 Concluding discussion
- 1700 Close

Aims:

- Series of structured and necessarily short discussions on the issues.
- Maximum participation by all in identifying the options for resolving each issue, relevant sources of data and precedents.
- Clearly identify those issues where a consensus has been reached or may be possible or where this is not possible, to clarify the extent and significance of any disagreement.



Aims, Outcome & Process

- Outcome will not be Volume II of Nuffield Council on Bioethics – but complementary – and informed by that report and continuity of involvement
- It is not intended as a reaction to the ‘Marper’ judgement – but hopefully the project is timely now that the law has been (to some extent) clarified
- This seminar is not an occasion when participants’ need to state opinions for the record or be bound by the ideas they simply want to test.



Aims, Outcome and Process

- Four expert meetings central to this process:
- Integrity and integration (January)
- Evidence and assessment (March)
- Internationalisation and exchange (May)
- Testing with international experts the outcomes of the first three events against , as far as may be practicably foreseen, the parameters of the restricted 'margin of appreciation' applicable to forensic bioinformation (July)



Aims, Outcome and Process

- Record of meetings (not verbatim) on the project website
- Comments on those records – as *statements* of amplification, support and dissent together with suggested areas for research or further consideration – on the project website (authorship can be identified or anonymous)
- A final record of this process – a description of the possible parameters – both as a publication to mark the end of this project and hopefully a waymark for others grappling with the issues



Please remember:

- There is a great deal of ground to cover
- Important that all viewpoints and views are captured for the record
- Need to stick to the agenda and the key issues within that agenda
- Opportunity for reflection, comment and suggestions via the website
- The organisers have never done any thing so ambitious before and really need your help



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 ECtHR ‘Marper’ Judgment for these arrangements



Session One – Governance



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 challenges face forensic bioinformation policy and practice?

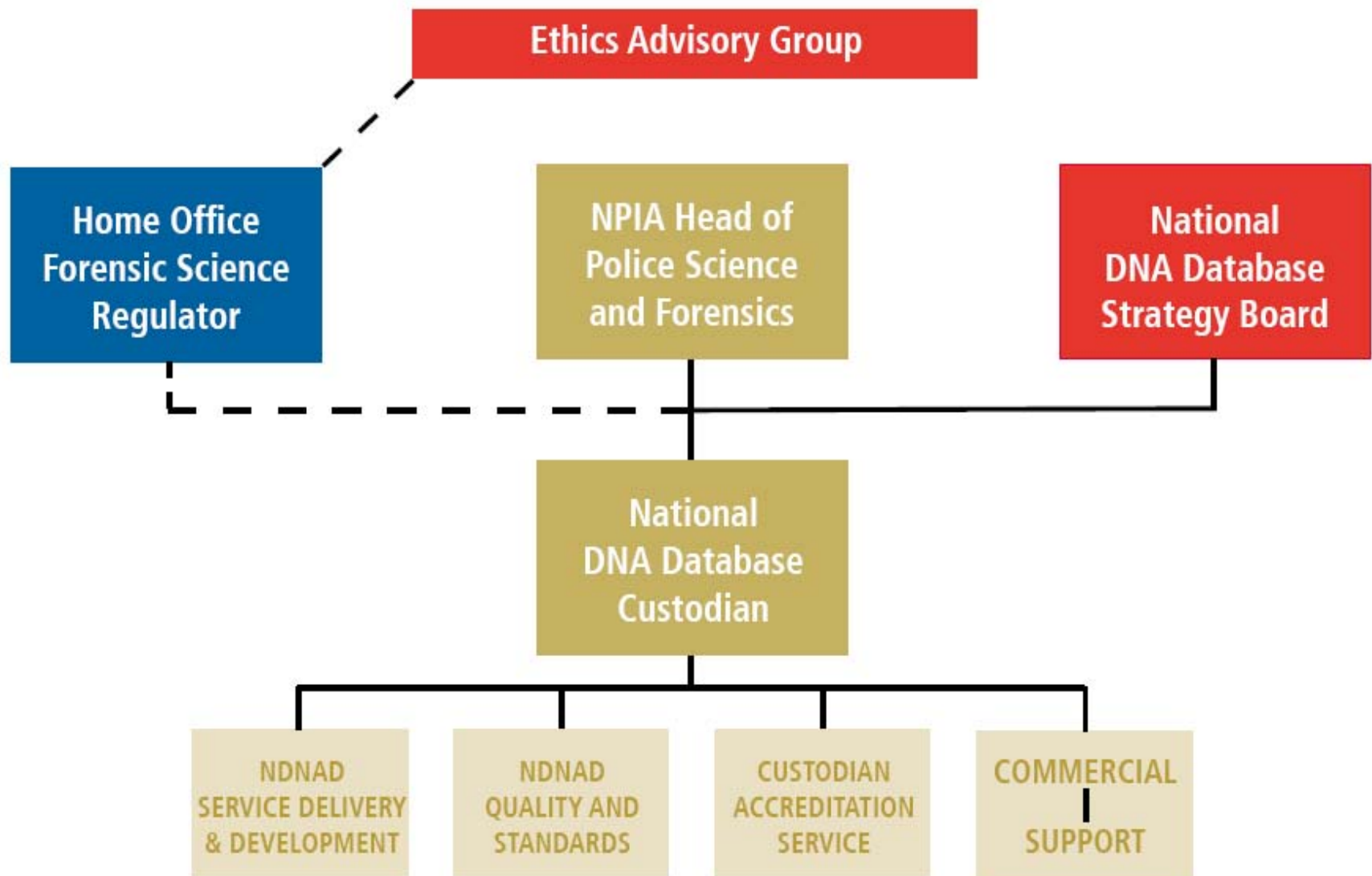


Session One – Governance – cont.

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



NDNAD Custodian Relationships & Structure



Taking fingerprints

PACE s.61 as amended by CJA 2003

- The fingerprints of a person detained at a police station may be taken without the appropriate consent if—
 - (a) he is detained in consequence of his arrest for a recordable offence; and
 - (b) he has not had his fingerprints taken in the course of the investigation of the offence by the police.



Taking non-intimate samples

PACE s.63 as amended by CJA 2003

- A non-intimate sample may be taken from a person without the appropriate consent if two conditions are satisfied:

(2B) The first is that the person is in police detention in consequence of his arrest for a recordable offence.

(2C) The second is that—

(a) he has not had a non-intimate sample of the same type and from the same part of the body taken in the course of the investigation of the offence by the police, or

(b) he has had such a sample taken but it proved insufficient.



Session Two - Integrity

- **How is public confidence maintained in the integrity of the governance arrangements?**



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?




Session Two – Integrity cont.


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?



Session Two – Integrity cont.



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?



Integrity: Recent Developments

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



Integrity: Final Questions?

- Are present arrangements adequate?
- Are there lessons available from other bioinformation and biometric data collections in the UK and elsewhere, including the UK Biobank?
- How does the governance of forensic DNA collections sit alongside the growing collection and use of other forms of personal data in the UK?



Session Three - Integration

- How is the use of forensic bioinformation integrated into wider policies and practices in policing and criminal justice & also integrated into the governance of other uses of information by the police and other agencies?

To consider:

- 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.



Session Three – Integration

Integration of forensic bioinformation into:

Policing & Criminal Justice Policy

Operational Policing Practice

Tissue Collection and Biobanking Policies

Data Protection Policy & Practice

Which actors and networks?

What deliberative fora?

What predominant considerations?

What established arrangements and agreements?

What future challenges?



Session Three – Integration cont.

Life after the ‘Marper Judgement’



To consider:

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

