

FIND Strategy Board

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Author & Warrant/Pay No	Caroline Goryll, Home Office
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Open Minutes of Meeting 28th March 2018 11.00-13.30 MPS, Lambeth Road

Present:

CORE MEMBERS

ORGANISATION	MEMBER
NPCC	Gary Pugh (GP) (Chair)
Home Office, representing the Home Secretary	Alex MacDonald (AMD)
Association of Police and Crime Commissioners	Darryl Preston (DP) (Deputising) (teleconference)

APPOINTED MEMBERS (as set out in the Governance Rules)

ORGANISATION	MEMBER
Commissioner of the Retention & Use of Biometric material	Paul Wiles (PW)
Commissioner of the Retention & Use of Biometric material representative	Lucy Bradshaw-Murrow (LBM)
Forensic Science Regulator	Gill Tully (GT) (teleconference)
Biometric and Forensic Ethics Group Chair	Chris Hughes (CH)
Information Commissioner's Office	Meagan Mirza (MM)

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Devolved Administration – Northern Ireland	Graham Kisson (GK)
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APPOINTED MEMBERS

ORGANISATION	MEMBER
NPCC – CT Forensic Database	Leigh Williams (LW)

SECRETARIAT

Home Office Forensic Information Databases Service (FINDS)	Kirsty Faulkner (KF)
Home Office Forensic Information Databases Service (FINDS)	Caroline Goryll (CG) minutes

IN ATTENDANCE

ORGANISATION	MEMBER
Home Office, Data Identity Unit, Policy	Carl Jennings (CJ)
Home Office, Interpol and International Biometric Exchange Team	Hilary Brown (HB)(teleconferencing)
Home Office, HOB Programme	Carrie Golding (CGold)
NPCC Transforming Forensics Programme	Richard Small (RS)

APOLOGIES:

ORGANISATION	MEMBER
Association of Police and Crime Commissioners	Mark Burns-Williamson
NPCC – Homicide Working Group	Martin Bottomley

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1.0 Welcome, Introduction and Strategic Developments

- 1.1 GP welcomed everyone to the meeting. He highlighted his impending retirement, noting that Chris Porter was taking over as the interim Director of Forensic Science for MPS. He informed the Board that a replacement NPCC lead was being sought.
- 1.2 GP said that the large number of papers reflect the hard work to get the fingerprint governance to a more mature position.

2.0 Previous Minutes

- 2.1 The Board members were asked to feedback any comments on the minutes to CG within 2 weeks.

3.0 Action Review and rolling 12 month timetable.

Action Register

- 4.1 KF took the board through the outstanding actions.

27/17 -the security of the NDNAD – KF said that work on this is progressing as outlined in the highlight and HOB update.

29/17 – use of Livescan in prisons – KF said she will keep Board members updated through the general updates as the currently the pilot is waiting to commence. – the Board agreed to close the action

32/17 CT international exchange proposal – LW asked for sign off of this proposal. Following discussion, the proposal was agreed. LW was asked to feedback from the NPCC meeting and progress and outcomes from exchanges to be formally reported to the Board through the highlight reporting section. It was noted that the process would be supported by an MOU and MM noted that the process must become compliant with the international exchange requirements of GDPR.

Decision – The Board approved the proposal for the exchange of CT related DNA with International Partners

Action 01/18 – LW to provide the Board members the feedback from the NPCC meeting

Action 02/18 – SO15 (via LW) to provide the board with an update on the progress of the international exchange of CT related DNA via the highlight report.

KF pointed Board members to the Yorkshire and Humber evaluation reports for rapid forensics which had been circulated prior to the meeting. GP noted that Rapid Technology was still in development, working well for single source DNA but not so well for material gathered from crime scenes and in more challenging environments. PW said that an important factor is the cost effectiveness; it needs to be cheaper.

12 month Timetable.

- 4.2 The 12 month forward plan was discussed and agreed.

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5.0 Risks and performance

- 5.2 CJ took the Board through paper 0318/04A, the legislative update. The Private Members' Bill to provide the Regulator with statutory powers was introduced in the Commons on 9 March. It was objected to at the Second Reading on 16 March and will be reconsidered on 27 April.

AMD updated the Board that Ministers have agreed to a review of forensic science service provision. The review will focus on the operation and management of the forensic services market and seek to identify if further action is needed to ensure the market is stable, resilient and effectively serves the criminal justice system. The review will be carried out jointly by the Home Office, NPCC and APCC.

MM said that the ICO has also been involved in the review as clarity is required around the controller of the data held by companies that have ceased trading. CH noted that the challenge is how competition is maintained in the market as the number of forensic companies reduces.

The Biometric Strategy will be circulated to Board members by the end of April.

- 5.3 CJ presented paper 0318/04B on the governance rules, updating the Board that following a review by HO legal advisors the Board could be extended to cover fingerprints as an auxiliary function but not footwear. MM noted that the term data controllers in common would no longer exist upon introduction of GDPR in May 2018.

Action 03/18 – Board members to provide comments on the governance rules to CJ by 11th April.

6.0 Substantive papers

- 6.1 Access & Use and Fingerprint Strategy

KF took the Board through papers 0318/11 the Board's Access and Use policy and 0318/14 the Data Assurance Strategy for Fingerprints. She said that work to expand the Forensic Information Databases Strategy Board's access and use policy has been through an extensive consultation phase following the expansion of the Board last year. The policy considers DNA and fingerprints, but will enable other forensic information databases to be considered in the future, if required. The revised policy has also taken into account the new data protection principles and has been linked in with CT.

KF said that development of the Data Assurance Strategy for IDENT1 Policing Collections has been necessary to provide oversight and assure the quality of data held in the IDENT1 policing collections and its supply chain following the expansion of the Board last year. She said that GT had provided some very useful feedback. The data assurance strategy will evolve, initially focussing on the capture and enrolment of fingerprint forms from arrested persons (tenprints).

KF asked board members to provide feedback on the Assurance Strategy and said that she would arrange a workshop on this closer to the next Board. GP said that this is how CH, MM, GT and PW can set their requirements for what governance/ standards they want to be introduced to allow them to effectively carry out their checks.

Action 04/18 – Board members to provide comments on the Strategy to KF by 27th April, followed by a workshop to update Board members through the work on the Data Assurance Strategy.

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6.2 Position for access and use of policing fingerprint data for DSTL

GP presented paper 0318/12 on the use of policing fingerprint data for DSTL, on behalf of MoD and gave some background on the situation. GP and PW both raised concerns about the lack of governance of this and the uncontrolled nature of the access, particularly in the respect of the legal purpose for the access and use of policing collections on IDENT1. This issue has been raised to the NPCC and a paper will go to the Chief Constables Council. MM said that she would like to obtain legal advice on this matter.

PW said that his annual report has gone to ministers and the report discusses this issue; it is something which needs clarification. He suggested that NPCC take a legal view on the matter together with ensuring a robust governance structure. PW went on to summarise that there is a reason for performing the searches but that the correct controls and oversight need to be in place to ensure appropriate use of the policing data.

MM said that she would like to have legal advice on the proposal.

Action 05/18 – Board members to provide comments on the access to the police fingerprint database by DSTL on behalf of the MoD to GP by 11th April.

6.3 International policy

KF presented the updated international data exchange policy paper 0318/10. Work to expand the Forensic Information Databases Strategy Board's international data exchange policy has reached its final consultation phase following the expansion of the Board to include fingerprints in the past year. This policy considers the international exchange of data DNA and fingerprints, but will enable other forensic information databases to be considered in the future, if required. The expansion of this policy aims to ensure consistency of approach for all data being loaded and reported through the databases, taking into account operational constraints and member states expectations for submission of fingerprints. The policy also aligns the requirements for the different organisations seeking the exchange of IDENT1 data, and aims to ensure the organisations accessing or utilising the policing data on the database has a robust purpose.

KF expressed the Biometrics Commissioner's nervousness around exchanging fingerprints and DNA internationally because DNA is exchanged anonymously but for fingerprints identity information is also exchanged. She said that Prum does not form part of the policy but exchanging data through this mechanism will be included in the next iteration.

LBM said that PW thinks that FP exchange should be anonymous and that as it is departing from standard policy ministers should be consulted. GP said that the reason it is done this way is that DNA is not used to confirm identity but fingerprints are.

Action 06/18 – Board members to provide comments on the International data exchange policy to KF 27th April.

KF said that a highlight report will be developed to ensure transparency of exchanges. This data will initially be provided by NCA.

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6.4 Ireland exchange update

KF presented paper 0318/09a on the retention of unidentified body parts on Irelands Missing persons DNA Database. She noted that on 31st January 2018, the Strategy Board approved for all the DNA profiles from unidentified bodies/part(s) to be transferred to FSI to be compared against its reference profiles for missing individuals. This work is currently in progress. In addition to this, FSI and the UK Missing Persons Unit (MPU), part of the National Crime Agency, seek the permanent retention of these profiles on a UK Unidentified Human Remains (UHR) Index on CODIS, in the Irish Database (separate to the Irish Missing Persons Index) to facilitate future comparison with new samples from relatives as they are added to the Irish MPDD.

Decision – The Board agreed to the approach.

6.5 Gibraltar situation

HB gave a verbal update on Gibraltar seeking their records to be included on the databases. HB highlighted that Gibraltar were still in the process of implementing the use of PNC but that they are struggling to identify enough resource so progress is quite slow. There are a number of steps they need to work through before biometric records can be held on NDNAD or IDENT1. KF said that she had linked up with CGold and HB to look at business processes; they are looking at ensuring the right people have the correct access.

6.6 Transforming Forensics.

RS gave a verbal update. The Police Transformation Board recommended funding for the programme that will run until 2020. A decision is being awaited on this. The programme has a programme assurance review in mid-April to assess where they are. The programme for fingerprints is well underway but requires funding. Transforming Forensics and the Met are looking at working together as the Met are going through a change programme.

6.7 Release of tenprint data from IDENT 1 to support approach for digital comparator tool.

RS presented paper 0318/13, noting that Transforming Forensics aim was to standardise FP process nationally. Transforming Forensics was asking for a change that would enable digital extraction of suspect fingerprints from the IDENT1 unified collection. This extraction would be in the context of a case, and the fingerprint copies would be stored in a centrally managed repository with appropriate controls to comply with regulations for evidential data (CPIA) and police data retention (MoPI) as well as regulations set by the FSR. MM raised the point that forces will need to have a policy/process on how they are going to manage the retention and destruction of this information. She asked how it will be used in court? RS said it will be printed off or used as an electronic file, with a full audit trail being part of the design. KF proposed that a data interchange agreement that forces sign up to before they are given the capability may be a way of ensuring the right levels of control is in place. CGold noted that the window for change on IDENT 1 was quite small. RS responded that the RFC was to be submitted in April

Action 07/18 – Board members to provide comments on the proposal to RS by 11th April.

6.8 Risk Register & issues.

KF took the Board through the risk register 0318/03 2 newly raised risks were noted:

- The lack of transparency of international data sets may mean a lack of compliance to the Strategy Board policies and a lack of legal compliance (for example Data Protection Bill, May 2018)
- Delay in annual report being published may result in not meeting the legislative requirements set out in Protection of Freedoms Act, 2012. It may lead to an increased number of FOIAs resulting from a decrease in public confidence of the databases.

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Within the existing risks 5 remain static, one (STRAT 14) was improving as the understanding of HOB increases and business change plans mature and two risks have increased due to the lack of political decisions for Prüm data exchange (STRAT 10) and the proximity of the implementation of Data Protection Act.

In terms of issues the issue relating to database security remains at black and HO were looking at how quickly the strategic solution can be implemented.

6.9 Highlight report

KF presented papers 0318/05A, B & C the highlight reports. The Statement of Requirements that govern the requirements of the databases within the service offering provided by FINDS have been reviewed and the Board members were asked to sign off the requirements. KF noted that the requirements had been through a consultative process, including DNA Operations Group, the national strategic network for footwear and National Fingerprint Board. LF said that the CT statement of requirements would also be updated to ensure they were comparable with the FINDS Statement of Requirements.

Action 08/18 – Board members to provide comments on the Statement of requirements to KF by 11th April.

KF said that the core service changes for NDNAD had increased because of resourcing of the change relating to for the changes delivered through HOB.

Project updates

6.10 HOB

CGold took the Board through paper 0318/06. Strategic Matcher Fingerprint Project is going well. Lot 1 (Biometric Matching Platform and associated Services): The contract with the preferred bidder Fujitsu has now been signed. Lot 2 (Fingerprint Algorithm): reached the end of Invitation to Tender evaluation and the preferred bidder has been identified. Work is continuing with the sub group from the Ethics group on the privacy impact assessments. MM said that they had just published their DPI guidance and that it is not broadly dissimilar to what was carried out here

6.11 Prüm

CGold provided a verbal update. The DNA solution was nearly completed, but noted the dependency on the approval from the European Commission, which was hoped for in April. CGold noted that the Fingerprint Prüm exchange developments were progressing well; a few issues were identified in the first set of tests. These have been resolved and the next set of tests would be completed shortly.

HB updated that a significant hurdle had been overcome in that a letter has been sent by the Minister for Policing and Crime to confirm the change in legislation needed to address the concerns raised by the European Commission.

6.12 CED

KF presented the CED update paper 0318/07. She noted that the Police Staff Counsel were ready to issue the circular advising that the provision of a DNA sample for existing staff is voluntary and compulsory for new staff. A last minute change to the record retention period has meant that the council have been asked

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by the project board to refrain from issuing the circular. Discussions continue as the project try to understand why the council have made these last minute changes. There have been improvements in the returns from forces for their PED reviews. FINDS have been working with the GT to see how the findings from the purge activity into a report which can be shared internationally.

LW noted the level of reviews required by the MPS.

6.13 GDPR

KF gave a verbal update. There had been a beneficial meeting with MM and an information management team within the Home Office. They are looking at how they can inform the data owners (forces) that a potential breach has occurred. She also noted that the policies discussed previously at the meeting was a key response for transparency to the public and that the supporting forms were in the process of being changed to ensure compliance with the upcoming change to legislation.

7.0 **Any Other Business**

CH thanked GP for his major contribution to Forensic Science during his career. GP thanked the Board for all of their support and acknowledged the hard work of KF and FINDS.