

FIND Strategy Board

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Open Minutes of Meeting 28th June 2018 11.00-13.30 MPS, Lambeth Road

Present:

CORE MEMBERS

ORGANISATION	MEMBER
NPCC	Steve Lyne (SL) (Chair) on behalf of CC James Vaughan, interim chair of board
Home Office, representing the Home Secretary	Alex MacDonald (AMD)
Association of Police and Crime Commissioners	James Hughes (JH) (Deputising)

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	June Guinness (JG) (deputising) (teleconference)
Biometric and Forensic Ethics Group Chair	Chris Hughes (CH)

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Information Commissioner's Office	Meagan Mirza (MM)
Devolved Administration – Northern Ireland	Graham Kisson (GK)
Devolved Administration – Northern Ireland	Stephen Campbell (SC)
Devolved Administration – Scotland	Doug Pearston (Deputising) (DP)

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)
Ministry Of Defence (part of meeting only)	Rod Latham (RL)

APOLOGIES:

ORGANISATION	MEMBER
Association of Police and Crime Commissioners	Mark Burns-Williamson
NPCC – Homicide Working Group	Martin Bottomley
Forensic Science Regulator	Gill Tully

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1.0 Welcome, Introduction and Strategic Developments

- 1.1 SL introduced himself and welcomed everyone to the meeting. He said that he is the interim chair for this meeting and that James Vaughan is in the process of looking for a new permanent chair and he will be taking it to the NPCC meeting in July.

SL updated the group on the wider landscape elements – focussing upon Transforming Forensics, Forensic Review and the OBC report.

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.

12/17 – the use of NGS – KF said that this can now be considered as part of the DNA future planning because Transforming Forensics have received their funding.

27/17 -the security of the NDNAD – KF said that work on this is progressing as outlined in the highlight and HOB update and that she suggests that once a permanent chair has been identified they write to the permanent secretary on this.

03/18 – Governance rules review – CJ said that no comments had been received on these and the action can be closed.

12 month Timetable.

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

5.0 Risks and performance

Risk Register

- 5.1 KF took the group through the risk register, paper 0618/03. KF noted that there were no new risks and issues. Within the existing 10 risks, 6 remain static, three are improving as the mitigating actions mature and one risk (STRAT 14) is increasing due to resource levels required for the business to realise the benefits of the HOB changes. The issue relating to the publication of the annual report is improving as a grid slot for publication is being awaited so publication should be imminent. The issue relating to database security remains at black as reported in the March meeting. Progress has been made with the directors within the digital technology sections of the Home Office prioritising the response. It should be noted that a pragmatic solution is being planned that supports the reduction of the vulnerabilities without destabilising the existing aging infrastructure.

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The new NPCC replacement will need to get a full briefing on risks as the accreditor of the system is not willing to accept some of the risks that we are facing at the moment.

JH asked if anything could be done to bring the delivery of the strategic solution forward from September 2019 or whether there is anything further that can be done short term over the summer. KF said that there was not; all short term fixes have been implemented and the remaining ones are awaiting the delivery of the strategic solution.

JH also asked if there is anything that can be done through the NPCC to help with the position on CPIA. SL said it should be highlighted through this board.

RS discussed issue SB7 on fingerprint bureaus not meeting accreditation. This has been discussed at the National Fingerprint Board and a summit meeting is being held on 3rd July to look at the impacts. A report will be written to go to James Vaughan to raise at the NPCC chief council meeting in July.

Legislative updates

- 5.2 CJ presented paper 0618/04A, on the governance rules. No comments were received on the rules from the Board and they are currently being reviewed by HO lawyers.
- 5.3 AMD gave an update on the forensic science review, paper 0618/04B – this is likely to be published in the autumn.
- 5.4 CJ took the Board through paper 0618/04C on the legal and policy issues, in summary the private members bill to provide the regulator with statutory powers was objected on 15 June; it will be reconsidered in July. The work on the qualifying offences list has been postponed, the outcome of the Gaughran application is still awaited and there is possibly going to be a judicial review of automatic facial recognition.

GK raised concerns with the delay in the work on qualifying offences because there are a number of serious offences which are currently not on this list which should be.

MM said that the police are setting up a working group around criminal record retention; the intention is that this will look at arrest events only but the remit is expanding.

Highlight report

- 5.5 KF presented the FINDS highlight report, papers 0618/05 A&B. KF highlighted the key elements of the FIND services (including CT and FINDS activities). There is the detail in the dashboard and a summary sheet which notes:
- The lawful match guidance has been updated and issued to forces and other stakeholders. The supporting procedure for PNC guidance is being presented at the Protections of Freedom Act Working Group. The forms for DNA and fingerprints are also in review due to the upcoming change in legislation.
 - Reviews of existing policies and procedures have been carried out to consider Data Protection Act 2018 and GDPR; internal compliance checks have commenced to ensure FINDS are aligned, and continue to work to, the DP principles. Feedback from MM and JG were offered on 2 policies (CED & Access and use)

Action 09/18 KF to update CED and the Strategy Board's Access and Use policies

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- NCA and FINDS are progressing the transparency of international data exchange by including it in the dashboard. Initially the figures will be based on the data provided for within the Office of Biometrics Commissioners annual report. The meeting agreed to this approach.

Decision – The Board agreed to this approach for reporting international data exchange data.

- The FIND Strategy Board annual report has gone to ministers seeking a publication date [11th July is agreed date]

- Two letters from the Forensic Science Regulator have been received; one raising the issue about database standards and the compliance with the framework TickIT Plus, the other raising concerns about the lack of resilience within the CED infrastructure. KF said that she will be responding to these imminently.

Project Updates

CED

KF presented paper 0618/07, CED is now fixed and it is expected that weekly searching will commence in July. A useful board meeting has been held and the project team are liaising with the Met on their outstanding PED reviews.

HOB

CGold presented paper 0618/06. The Biometrics Strategy is due to be published at the end of June 2018 and it is intended that the current version HOB's Programme Privacy Impact Assessment and five of the HOB project PIAs will be published alongside it. The Programme Business Case has been updated in preparation for formal PIC submission on the 21st June 2018. The timelines and funding for projects are under review as there is increasing demand for resources and mitigation work is currently underway on the programme to ensure prioritised delivery. The annual Programme Assurance Review was held from 22 – 25 May 2018 and HOB was awarded an Amber/Green rating.

Prum

The Board was provided with an update from the Prum perspective by CGold and HB paper 0618/08 – DNA exchange is ready to go and fingerprint exchange is nearly ready to go however there was a DAPIX meeting this week at which France continued to block progress. The next Prum delivery group is the 19th July which is chaired by Stephen Webb and will be looking at this.

There will need to be a formal agreement once Gibraltar has met the requirements before any records can get loaded to NDNAD or IDENT1.

Highlight report from international exchanges and data sets held within databases

KF gave a verbal update she noted that following the agreement to proceed at the last board with regards to the Ireland exchange; Ireland have received all the UK unidentified DNA body/part profiles that FINDS had retained on the MPDD, they have inputted these profiles into their system and are currently working

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through all the different pedigrees to undertake the searching. Once any hits have been identified they will update FINDS. FINDS-DNA are waiting to receive Ireland's unidentified DNA body/part profiles.

6.0 Substantive papers

Position for access and use of policing fingerprint data for DSTL

- 6.1 RL provided a briefing for the meeting. All members of the board had an opportunity to ask for clarification. RL left the meeting to enable an open discussions. SL summarised the Board's position he said it was agreed it was vital that these searches are carried out for CT and National security and we agree to the end outcomes. However the searching needs to meet GDPR and be PoFA compliant. ISO standards 17025 and 17020 need to be met and the Board ask for engagement with ICO, the Regulators office and the OBC. In the short term the Board are going to ask NPCC to obtain legal advice and raise at the chief officers meeting at the start of July. The forces are the data controllers and own the data. He went on to say that Option 2 seems a sensible option but the costs need to be understood. The board said that they did not agree to any of the options and further work needs to be done.

RL responded that he thought there was a distinction between short term and long term and that in terms of accreditation for DSTL processes they were happy to look at it but that he thinks they will struggle in the battlefield.

Action 10/18 James Vaughan to discuss use of policing fingerprint data for DSTL position with Sara Thornton and suggest legal advice is sought.

Biometric Strategy and Impact on FIND Strategy Board

- 6.2 AMD presented paper 0618/11 and updated the meeting that the strategy was to be published at some point that day. The strategy sets out how biometric information is used, how to protect the public and it explains what the biometrics programme does. They hope to develop a new Board to take this forward; the NPCC will propose a chair. LW asked how that Board will link into this Board; AMD said they will run in parallel. The discussion about this will form part of the agenda at the next meeting.

Review of Data Protection Act compliance.

- 6.3 KF asked the board to note the following report for the compliance to GDPR and Data Protection Act.
- The key policies have been updated and issued following extensive consultation. Papers 12B to E are provided for members to note.
 - A PIN assessment has been performed to ensure informed consent is in place where FINDS are handling personal data (e.g. DNA sampling kits) under part 3 of the Act.
 - Further work is underway to understand whether some areas of FINDS sit within part 2 or part 3 of the act and whether this has any impact on the consent obtained (e.g. CED). ICO and HO policy/legal views are at odds so a policing view is being sought.
 - The Security and Information Assurance Procedure has been updated to provide awareness internally on the process for logging a data breach and to outline everyone's responsibilities – this has also been added to the new starter induction.

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The Board should also note the steps to make compliance with GDPR and Data Protection Act more robust.

- The CED DNA forms currently ask for consent from staff where it is not fully understood whether this is required.
- A few smaller 'databases' within FINDS are managed using spreadsheets, this may pose a risk as there is no auditing functionality available, we are working to ensure these are taken forward in the HOB DNA Strategic programme.
- We have started to perform data protection compliance audits internally to inform managers where improvements are required – this should put us in a good position for an external audit from the ICO and has already highlighted some enhancements to the PT process.
- Ongoing piece of work to tighten up the archiving and retention procedure across FINDS.

Transforming Forensics

- 6.4 RS gave a verbal update on Transforming Forensics and the funding position. There has been an initial kick off for DNA stage 3 between Transforming Forensics, FINDS and HOB. Transforming Forensics are to draft a project brief. KF said they are looking at how they take the DNA future planning (stage 3) forward. JH said it is important that the work of Transforming Forensics is not just highlighted to the NPCC but also the APCC. RS said that they have 31 forces which are fully committed and no forces which want to opt out of the programme.

Increasing Loci for missing persons.

- 6.5 KF presented paper 06/1815 which was a proposal for the Missing Persons' DNA Database (MPDD) to accept all the markers (loci) present in the PCR chemistry used to generate the DNA profile retained on the MPDD. The benefit of this being an enhanced match process for both confirmation and elimination purposes. KF said that this had been discussed at the Ethics Group and they had agreed. JG said that this would place us in line with everyone internationally.

Decision – The Board agreed to the proposal

Police Elimination Databases consistency between databases.

- 6.6 LW and RS presented paper 0618/13. As a result of the Fingerprint Database moving within the governance structure of the Forensic Information Databases Strategy Board it has become apparent that there is disparity in respect of the policies applicable to the authority and use of the elimination databases for Fingerprints and DNA. The Home Office Guidance for Fingerprint Elimination Databases was published in 2005 and is being interpreted differently and inconsistently across forces. There are clear differences between the requirements for Police Officers and Police Staff to provide Fingerprint Elimination prints and this needs to be addressed.

The ambition is to have a single policy around this; some initial discussion have been held with HOB about having a single elimination database that sits in IDENT 1. KF said that there is some learning from the CED project around the amount of time it takes to get the correct processes around consent to take the samples and any changes in regulations required. MM said that if it is the same as CED they are likely to receive complaints to their office.

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The Board agreed that there should be more consideration to ensure consistency in processes, noting the different use of fingerprints to DNA. The board agreed to the suggested action to work with TF to present a way forward with all the key elements covered, including changes to Police Federation etc.

Decision – Board agreed to the proposal for the setting up of a centralised police elimination database for fingerprints.

Ground truth database approach.

- 6.7 RS gave a verbal update on the progress about ground truth FP database approach. Previously the SB agreed that the ground truth database(s) should come under the oversight of the FINDS highlight report. Transforming Forensics had a meeting on 21st June with representatives from forces, DSTL and FINDS to look at the national vision, centralised control and building on Transforming Forensics aims. KF said that the view is that FINDS should have overall oversight of the database.

Management of deceased records.

- 6.8 KF presented papers 06/18/19 on the proposal for appropriate NDNAD retention of subject DNA profile records where the DNA donor was deceased before sampling/charging but has serious offences attributed to them post-mortem, where there is potential for further, serious offences to come to light in the future.

Decision – Board members agreed to the retention of these records on the NDNAD.

7.0 Any Other Business

- 7.1 MM outlined the details of a case which her office are dealing with.
- 7.2 GK outlined the history of moving fingerprints from the local database to the national database and the legacy of this move. However there are a number that were not migrated because there was no direct PNC record; approximately 300000 records, these are currently held in a holding tank. Mark Hamilton has written to Rachel Swann about this issue. NI have a proposal on how these records should be managed. It was agreed a paper on this could be presented to the next Board.

Action 11/18 GK to present a paper on the management of fingerprint records which do not have an associated PNC record.