

## FIND Strategy Board

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### Open Minutes of Meeting 27th September 2018 11.00-13.30 MPS, Lambeth Road

Present:

#### CORE MEMBERS

ORGANISATION	MEMBER
NPCC	ACC Ben Snuggs (BS)
Home Office, representing the Home Secretary	Alex MacDonald (AMD)
Association of Police and Crime Commissioners	Darryl Preston (DP) (Deputising)

#### APPOINTED MEMBERS (as set out in the Governance Rules)

ORGANISATION	MEMBER
Commissioner of the Retention & Use of Biometric material representative	Lucy Bradshaw-Murrow (LBM)
Forensic Science Regulator	June Guinness (JG) (deputising)
Biometric and Forensic Ethics Group Chair	Chris Hughes (CH)
Information Commissioner's Office	Meagan Mirza (MM) (teleconference)
Devolved Administration – Northern Ireland	Graham Kissock (GK) (teleconference)

## FIND Strategy Board

Devolved Administration – Northern Ireland	Stephen Campbell (SC) (teleconference)
Devolved Administration – Scotland	Gary Holcroft (Deputising) (GH)

### APPOINTED MEMBERS

ORGANISATION	MEMBER
NPCC – CT Forensic Database	Shazia Khan (deputising) (SK)

### 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)
Home Office, HOB Programme	Carrie Golding (CGold) (teleconferencing)
NPCC Transforming Forensics Programme	Joanne Ashworth (JA)

### APOLOGIES:

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

## **FIND Strategy Board**

### **1.0 Welcome, Introduction and Strategic Developments**

- 1.1 BS welcomed everyone to the meeting. He introduced himself and explained his role and said that he will be taking over chairing the Board.

### **2.0 Previous Minutes**

- 2.1 SC and GK have fed back comments to CG already, SK raised a name change. The other 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 will be taken forward as stage 3 of HOB by Transforming Forensics JA agreed.

27/17 -the security of the NDNAD – KF said that she is going to brief BS on this issue and that he will then write to the Permanent Secretary.

02/18 – International exchange of CT DNA – KF said that this will be added to the highlight report.

04/18 – Fingerprint Data Assurance Strategy – The workshop on this will be held in the next couple of months

Actions 07/18 and 09/18 on the IDENT1 proposal and updates to the access and use policy were 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 noted that within the existing 10 risks, 6 remain static, one (STRAT 13) is improving as the mitigating actions mature and one risk is increasing due to accreditation of fingerprint bureaux (STRAT 10). It is proposed that 2 risks are closed (STRAT 16 transparency of international data sets & STRAT 17 publication of the 16/17 Annual report) as they were deemed transient and were resolved in this period.

The issue relating to database security remains at black as reported in the June meeting. This has now been converted to an issue and is reported as part of the FINDS scorecard. Progress has been made with the directors within the digital technology sections of the Home Office prioritising the response. It should be

## FIND Strategy Board

noted that a pragmatic solution is being planned that supports the reduction of the vulnerabilities without destabilising the existing aging infrastructure.

The issue relating to accreditation of fingerprint bureaux (SBIS07) has been increased to BLACK this period relating to the impact on the transposition of the EU framework into English and Welsh legislation. HB said that it is a piece of mandatory EU legislation but that we are not in the right place to transpose it. HO Policy are currently working with the NPCC on this. This risk has been separated from the risk around Prum.

It is proposed to close 3 issues (SBIS 02 - governance of second generation biometrics, 03 – approaches to ICO in relation to CED & 05 – CED IT infrastructure) as resolution has been achieved.

KF said that a new risk in relation to the decline in arrestee data onto the Forensic Information Databases has been raised this quarter. Information on this has been shared with Rachel Swan and Nav Malik, the PNC new NPCC lead for PNC. It was suggested that this drop is related to the level of Voluntary Attendees. CH questioned if the match rate has also decreased; it has not. LB-M said VA's are an issue they are seeing when they carry out their force visits, the numbers are increasing. CH said that he thinks that there needs to be more transparency around voluntary attendees and that there needs to be standardisation of processes.

GK said that they have a project on-going around VA's because they have also identified that they are an issue.

**Action 12/18 JA to establish if such policies on voluntary attendees for forces are being collected through the TF Capability Maturity Model for fingerprints [Post meeting note – Clive Poulton from HOB is also looking at VAs].**

**Action 13/18 KF (through FINDS) to produce further information on the numbers on the reduction in sampling and the numbers of voluntary attendees.**

### Legislative updates

- 5.2 AMD gave an update on the forensic science review and the reinstatement of the Forensic Marketplace group?

CJ took the Board through the remainder of paper 0918/04 on the legal and policy issues, in summary the private members bill to provide the regulator with statutory powers was objected to in July for the 4<sup>th</sup> time; it will be reconsidered in October and other ways to take this forward are being looked at. The outcome of the Gaughran application is still awaited and they have been advised that the judgement is unlikely to be until next year. There are 2 judicial reviews of automatic facial recognition ongoing.

The second meeting of the new facial image governance board has taken place on Monday (24<sup>th</sup> Sept). The terms of reference have been agreed. The Board does not have legal stature. The minutes from the board will be published.

KF asked how any related issues will be brought back to this Board. CJ said that they will responsible. It was agreed that the minutes from the Facial Board will be added as an agenda item to this Board. MM said that they have started a formal investigation into the use of AFR.

## FIND Strategy Board

### Highlight report

- 5.3 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). NCA and FINDS are increasing the transparency of international data exchange by including it in the dashboard (this data will be included in the next quarters highlight report). The majority of the preparatory work for GDPR has been completed; only the work to update the volunteer sampling forms and review the retention policy remains to be completed. The new IABS fingerprint search service was released in April 2018. Work is progressing to increase the loci used for the Missing Persons DNA Database as agreed at the last board. This work will be implemented into the live MPDD in January 2019. Annexe A of the paper contains a proposal for near match enhancements as part of NDNAD integrity checks. KF asked Board members to feedback their comments on the proposal by 12<sup>th</sup> October.

**Action 14/18 Board members to feedback on Near Match Enhancement proposal by 12<sup>th</sup> October.**

Annexe B contained the updated Missing Persons DNA Database profile release policy. KF again asked the Board members to feedback in 2 weeks.

**Action 15/18 Board members to feedback in 2 weeks on the missing persons DNA database profile release policy by 12<sup>th</sup> October.**

FINDS have received 2 research requests. The first of these is from MPS for approval to collect DNA samples and conduct research on human body fluid samples using NGS phenotyping for the EU visage project. This request has already been presented to the ethics group. CH said that the concerns of the ethics group were around ensuring that the correct informed consent is given. JG asked if a consent form has already been produced SK said that each member state will have their own form and ours is currently at the draft stage. JG said they need to ensure the consent forms include what the samples are being used for; how long they are being stored for and by whom.

**Action 16/18 SK to circulate a copy of the draft consent form to the members of the Board.**

JA asked that this work feeds into phase 3 of the HOB project.

SK asked when it would be likely a decision on the proposal will be made. KF said end of October.

KF said that the second research proposal is for fingerprints and asked for feedback in 2 weeks

**Action 17/18 Board members to feedback on the fingerprint research project by 12<sup>th</sup> October.**

CGold said that the proposal makes some quite bold assumptions about what they hope to achieve so she is going to run it past the HOB technical leads.

### Project Updates

#### HOB

- 5.4 CGold presented paper 0918/06. The Biometrics Strategy was published at the end of June 2018 and the HOB Programme Privacy Impact Assessment and five of the HOB project PIAs were published at the beginning of July 2018. HOB is now working to engage more closely with civil liberties groups and hope

## FIND Strategy Board

to have a meeting with them in the autumn. The Programme Business Case has been approved by the Home Office Portfolio Investment Committee and Cabinet Office/HM Treasury. Following the Programme Assurance Review in May 2018, good progress is being made on the recommendations through the action plan. For the Strategic mobile project twelve police forces are now live with the service and a further 7 are scheduled to go live over the coming months. The project has now closed and future on boarding activities will be managed through BAU.

Work is nearly complete on the technology and developments for Prum fingerprints. Go live is subject to other matters outside their control. The Strategic DNA project is on track and progressing towards the go live date of September 2019. A project Board has been set up and is chaired by Chris Porter; the first meeting was held on 20<sup>th</sup> September.

HOB now have a linkedin presence.

### Prum

- 5.5 HB provided a verbal update. A light touch review was held of the solution at MPS premises by representatives of the EU member states in August. A 46 page report was produced and put to DAPIX for approval in September where it was accepted. There are several more stages to go through; it is likely that we have 4-6 months until we go live. There is very little notice given before exchange has to start once the go ahead has been given so we need to be ready. CJ noted what a great achievement it is to have gained approval.

One of the next steps is to set up a Prum oversight group, it needs to be decided where this sits.

KF (through FINDS) to trigger the update of the International exchange policy to look at inclusion of Prum DNA and the fingerprint issues that remained from the last review. The aim will be to consider both these aspects in the next edition, however due to the short time frame for Prum DNA, it may result in 2 versions, first being Prum the later one relating to the changes for the wider fingerprint issues raised previously by OBC.

ACC Snuggs was asked to chair the fingerprint discussions for the update to the policy

**Action 18/18 HB to produce a proposal for the next board on the setting up of a Prum oversight group and whether it sits with this Board.**

**Action 19/18 – KF (through FINDS) to trigger the update of the International exchange policy to look at inclusion of Prum DNA and the fingerprint issues that remained from the last review.**

HB went on to say that one of the conditions is that we will operate for a period of 12 months and then review the policy on not including suspects data in the exchange. The current Prum exchange programme has been in operation for 10 years. A paper has been submitted by the chair from Austria on how Prum can be taken forward. It looks at facial recognition and what else can be accessed/exchanged and including countries from outside the EU.

**Action 20/18 HB to circulate the paper on the future of Prum.**

## FIND Strategy Board

### CED

- 5.6 KF presented paper 0918/07, she said that a useful project board was held in the summer and that the paper discusses where we are. Weekly searching is now in operation. It is likely that the project in relation to officers and staff will close at the end of Oct/November and it is now BAU. Work will continue on the setting up of a manufacturer's elimination database. FINDS have met with a manufacturer in the supply chain who was supportive of this work. JG said that it is a requirement by ICMP and ENFSI to have manufacturers on their elimination databases and that they encourage laboratories to load their unsourced contaminants to the database.

KF also went on to say that SARCS will also be taken forward and that a pilot is currently in operation with EMSOU. JG said that the regulator will next be publishing standards in relation to SARCS. CH said that in terms of closing the project down a lot of data is available from the project and a final report should be produced which says xx contamination profiles have been removed from the NDNAD and xx of these investigations have led to criminal convictions. KF said that a final report will be produced which will be published but they need to determine what level of detail can be included.

JA asked if the police staff council circular covered PED to CED movement. KF said she believed it did. JA also asked if it covers all national searches; KF said it does. JA asked if they have any examples of forces using local forms/policies. KF said yes TVP.

### **6.0 Substantive papers**

#### Update position for access and use of policing fingerprint data for DSTL

- 6.1 KF said that she had received feedback from DSTL in the form of a letter on the 14<sup>th</sup> September. This has been passed onto board members for comment. Responses have been received back which KF will pull together and then seek legal advice. Once this legal advice from counsel has been received an exceptional meeting will be convened. JG said that GT wants to ensure that anything which is going to be used in the CJS must go through a 17025 accreditation.

#### Biometric Strategy and Impact on FIND Strategy Board

- 6.2 AMD presented paper 0918/09 and updated the meeting on the work to support the Strategy. One of the commitments of the Biometric Strategy was to pull together a governance review of forensics. We need to ensure that this Board and the new Board work together. CH welcomed the setting up of a new oversight Board but said that it needs to be made sure that all of these Boards work together.

#### Transforming Forensics

- 6.3 JA gave a verbal update on Transforming Forensics and the funding position. They have been working with DDAT and presented their proposal to the PTF Board who agreed the release of funding. They have agreed to take forward the work through HOB future DNA stage 3. They have a project within the programme' HOB changes are around updating the currant infrastructure but Transforming Forensics are looking at new technologies and are about the end to end supply chain. They are working with KF and FINDS on their proof of concept. JA went on to say that we need to ensure the benefits out weight the costs. The plan is to have a 10 year technology roadmap which PTF have agreed to fund. A project Board is going to be set up.



## FIND Strategy Board

CH said that with the 10 year plan it is important to consider the society impacts. GH asked if they can make sure that Scotland are engaged with. JA said that they do have a formal communication mechanism between TF and themselves but that she is not sure if their timescales marry with theirs.

### 2017/18 Annual Report

- 6.4 CG presented paper 0918/10 a draft copy of the annual report, the report is in the same format as the previous years. She asked for comments in 2 weeks. It was agreed that the report can be signed off ex-committee before the next meeting.

**Action 21/18 Board members to feedback on the draft annual report by 12<sup>th</sup> October.**

### S63G applications to the Biometric Commissioner Guidance.

- 6.5 LB-M presented paper 0918/11- after the introduction of the Protection of Freedoms act the Board issued some guidance on s63G applications to the Biometric Commissioner as did the OBC. Following feedback on the confusion caused by having both documents they are asking if they can issue some new guidance which is an amalgamation of both documents. A couple of points have been strengthened one is that the person that the application is about should be informed of the application and the reason why it is being made. The second is a condition added that if the information on the application form is insufficient for the Commissioner to reach a decision or if additional documents and/or information are not provided as requested this may result in the application being refused.

CH asked if they require the force to send to them not only their application but also their disclosure to the applicant. LB-M confirmed they are. DP asked if there are examples in the document and if forces are making as many of these applications as they should. LB-M confirmed that there are examples and that the take up of this process varies from force to force with some forces having a dedicated team for making the applications and some not making any at all. A member of ACRO is going to be carrying out some research to look into the outcome of these applications. BS asked if it might be useful to add something into the document to go through the reasons why this process might be followed to increase the uptake in force.

**Decision – Board agreed to the publication of the amalgamated document but then a piece of work should be carried out to look at the value of the process.**

JA suggested that an NPCC steer should be obtained because a particular area of policing might need to be targeted, such as safe guarding. Currently two thirds of applications are for sexual offences. CJ said that there is a read across between this procedure and the list of qualifying offences because this procedure can only be used for qualifying offences.

**Action 22/18 KF and LB-M to discuss the mechanism for publication of the amalgamated document.**

### NI unreconciled fingerprints

- 6.6 GK gave a verbal update. In 2012/2013 PSNI moved from a local database to IDENT 1. There are 315,000 ten print sets which cannot be linked to an ASN and therefore cannot be loaded to IDENT 1 so are



## FIND Strategy Board

currently held in a holding tank. They have had an order of magnitude discussion with NG and the issue should be resolved in the coming months as long as finance can be found. KF asked what the risk is. GK said that it is around the way they are being searched. It is predicted that 200,000 will be linked to people with current convictions and 80,000 will be deleted.

KF to add to the risk/issues log

### MPU/BRC DNA profile exchange project

- 6.7 KF presented paper 0918-12 on the request for a trial of non UK Citizen familial DNA profiles to be sent to Italy and Greece for a direct comparison against profiles of believed family members who have died making boat journeys across the Mediterranean. She said it represents a different purpose for databasing as it is humanitarian. She said that it is a small pilot but that it could rapidly increase. Consideration needs to be given to what we are doing it for; it is a missing person's use not criminal. The implications on wider government need to be understood.

MM said that even though it is a small pilot it needs to be compliant with GDPR; it needs to be underpinned by a PIN. KF said that MPU are the sponsors. CH said that he would support if all of the correct assurances were given. KF suggested that the MPU brought the proposal back to the next Board.

### Action 22/18 – KF to facilitate a discussion between MM and the MPU.

- 6.8 Future Roadmap

BS asked the attendees for their views on these meetings and asked what should be done differently. CJ said that he thought the board worked well; it brings together representatives from the HO, NPCC and APCC. AMD said that it allows the right level of challenge and allows issues to be discussed effectively. He also acknowledged the invaluable contribution KF and FINDS make to the Board.

DP expressed concerned at the number of Boards there are and said it is a complex landscape. KF said that we need to add operational leads for DNA and Fingerprints to the Board and need to think about the impact of SDNA and Strategic Matcher being introduced on the Board. JA said it needs to link in better with other groups such as the DNA Operations Group and the Performance and Standards group.

### Action 23/18 KF, BS and JA to consider how to best organise the meeting to make the agenda flow, take the discussion points into account and to ensure there is a logical numbering approach to board papers.

- 7.0 Any Other Business

- 7.1 None