

FIND Strategy Board

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Open Minutes of Meeting

26th September 2019

11.00-13.30

MPS, London

Present:

CORE MEMBERS

ORGANISATION	MEMBER
NPCC	ACC Ben Snuggs (BS)
Home Office, representing the Home Secretary	Carl Jennings (CJ)
Association of Police and Crime Commissioners	Martyn Underhill (MU) (teleconference) Alexandra Campbell (AC)

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 (LB-M)
Forensic Science Regulator representative	Gillian Tully (GT)
Biometric and Forensic Ethics Group Chair	Chris Hughes (CH)

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Information Commissioner's Office	Meagan Mirza (MM) (teleconference)
Devolved Administration – Northern Ireland	Stephen Campbell (SC) (teleconference)

APPOINTED MEMBERS

ORGANISATION	MEMBER
NPCC – CT Forensic Database representative	Leigh Williams (LW)
NPCC - Fingerprints	Jane Bunting (JB) (deputising)
NPCC – DNA	Emily Burton (EB)

SECRETARIAT

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

IN ATTENDANCE

ORGANISATION	MEMBER
Home Office, Interpol and International Biometric Exchange Team	Nikita Cannan (NC) (teleconferencing) Georgina Preston (GP) (teleconferencing)
Home Office, HOB Programme	Amy Morrell (AM) (teleconferencing)
NPCC	Elizabeth Brunt (EB)
Home Office	Laurance Kane (LK)
Home Office	Andy Feist (AF)

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Home Office	Patrick Allen (PA)
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APOLOGIES:

ORGANISATION	MEMBER
APCC	Darryl Preston
NPCC – Homicide Working Group	Martin Bottomley
Home Office	Alex MacDonald (AMD)

1.0 Welcome, Introduction and Strategic Developments

BS welcomed everyone to the meeting and apologised for being unable to chair the previous meeting. MU raised that as the Board is such an important governance board it should always be ensured that the meeting is quorum and that in future if BS is unable to chair the meeting the replacement should be James Vaughan rather than his staff officer.

3.0 Previous Minutes (0919/01)

3.1 No comments

4.0 Action Review

Action list (0919/02).

4.1 KF took the board through the action register: -

27/17 – security concerns around the NDNAD. CH raised concerns that these obsolesces are ingrained and have built up over a number of years and that progress to address them has not been more urgent. PW asked for an update to come back to the Board to outline the Home Office understanding of the risk and an outline of the HOB work which is being undertaken to replace the databases including that to replace PNC. KF suggested that there is a focal point at the next meeting on HOB and these activities.

New actions: -

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Action 21/19 Focus on HOB and activities to replace the databases to be added to the Agenda of the January meeting.

Action 22/19 KF to seek update from DDAT

Action 23/19 AM to seek HOB update.

PW said the board has a statutory basis for the responsibility of the databases so they should have more information on the issues and should have more influence to progress them. Questions were raised on who the representatives for the tri-partite parties on the board are. Concerns were raised that the part of the Home Office responsible for maintaining the databases and fixing the obsolescence's, DDAT, are not represented on the Board. BS suggested a governance workshop should be held.

5.0 Operational Risks and performance

Risk & issues Register (0919/03)

5.1 KF said that a new risk has been recorded on the move of the National DNA Database, within the existing 7 risks, 4 remain static, one risks (International exchange (STRAT10) are improving and the funding (STRAT15) and strategic direction (STRAT03) is increasing in risk due to the likelihood of funding being allocated to the development of the databases from the current Spending Review.

KF said that the new risk has been added following feedback from GT. KF said that there is a delay in the development of NDNAD and there is currently a re-planning exercise taking place. They need to ensure that there is enough time for testing of the new system to be comprehensive. GT said that it needs to be assurance that there are not going to be any missed matches.

KF said that the risks around funding and strategic direction are oscillating. It looks like we will not get as much budget from the spending review as we were hoping. GT said that the wording for the risk 03 needs to be updated because it currently reads that it is ethics and standards which are slowing things down but it is not; it is money.

Action 24/19 – KF to update wording on risk STRAT03

Issues log and Escalations

5.2 No new issues have been raised and the Eurofins issue is proposed to close due to the recovery from the issue reported in the July meeting. MM said that they are still investigating the Eurofins issue but that she will report back once they have investigated. There are 6 outstanding escalations with none being closed in this period.

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Highlight report (0919/04 A&B)

- 5.3 KF presented the highlight report. There was a sharp decrease in loads at the end of the quarter because of the cap in loading following the Eurofins issue. This has then had a knock on effect on the other figures. Number of force subject errors (identified through FINDS) has increased since March 18. The initial rise was due to the inclusion of further data (non recordables & stub only records) however since then it has continued to increase; the sharp increase in April-June could be because of the EFS issue.

The EFS issue has affected the force error rate; this is because forces have processed samples and recorded their errors but have not then been able to submit them for processing. The number of inbound international searches is higher than the number of outbound ones. The outcome of all of the outbound ones are either negative or unknown. In-depth CED data has been included. There were 33 matches in quarter 1 which have been sent to forces to investigate. All of the confirmed matches returned from forces in the quarter were person to item contamination (primary transfer). Overall number of force errors is remaining static. For the red errors the majority are sample swaps.

The highlight report included an in-depth look at CT which LW presented.

Data Analysis presentation

- 5.4 AF and PA gave a presentation on the reduction in DNA samples being loaded onto the NDNAD – a review of available data. This information has not yet been presented to ministers so the slides cannot be shared.

6.0 Strategic change and delivery to Strategy Board timeline.

Strategy Board timeline (0919/06)

- 6.1 KF to update and circulate

The use of surrogate samples in the criminal justice system (0919/07)

- 6.2 KF said FINDS- DNA are becoming increasingly aware of Law Enforcement Agencies (LEAs) asking Forensic Service Providers (FSPs), to use surrogate DNA profiles as reference DNA profiles in criminal case work. The consequence of this is that some of these surrogate DNA profiles are then requested to be speculatively searched against the NDNAD or in some cases directly loaded. FINDS-DNA have sought guidance from

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both Home Office Policy and Home Office Legal on this matter and now seek clarity from the FIND Strategy Board.

Board members to feed back by October 11th.

PRUM update

6.3 NC provided a verbal update:-

DNA – The connections have been successful so far. Connections have been made with Austria, Germany, Netherlands & Spain and there is a big push to increase the countries that connections are made with. She acknowledged the hard work of MPS and the NCA in making these successful connections.

Fingerprints - the evaluation for fingerprints was carried out 2 weeks ago by Germany. They looked at our capability and recommended we pass the evaluation. If we are no longer part of the EU we won't be able to connect for fingerprints.

CH also acknowledged the work of the MPS and the NCA.

NC went on to explain some changes to the Prum programme. The programme has moved from HOB into the International Criminality Directorate. They are looking at the effects of Brexit on Prum. They have some Ad hoc MI on the exchanges but because of the changing landscape this isn't steady. Once they have a clear set of data they are going to bring a proposal for the reporting to the board.

MM & PW raised that they should be overseeing these exchanges and that they currently do not have the visibility needed. PW said that they have sent a letter on this to Stephen Webb and MM said that she is waiting for a date to visit the MPS.

NC said they are working through the requirement for this and once they have a clear dataset they will send it though. PW said that he does not want to generate extra unnecessary work but that they need to be able to exercise the requirement for them to fulfil this function.

Action 25/19 LB-M to send copy of letter to Stephen Webb (on Prum oversight) to NC.

Forensic & Biometric governance consultation

6.4 CJ said that JJ is carrying out a review of biometric governance. It is looking at the role of the various regulators and oversight Boards and looking at how they might do this in the future. It is looking at the OBC and the Forensic regulator and looking at

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where there are gaps and overlaps, it is in a relatively early stage. BS suggested it should be wider and that as it is in its early stages we look at shaping it.

CH said that the formal construction of this Board is that it is a tripartite with observers and that we need to ensure that the tripartite members have the power, influence and authority needed to be able to set the strategic direction. For the other members we need some guidance on what the levels of responsibility should be.

PW said that this is one of the few governance boards that has a strategic footing so need to get it right. He said that he thought the review was supposed to be wider. MM said that the ICO is looking at who sits on which boards to ensure that there is not a conflict of interest. GT said that the part of the Home Office which is responsible for running the NDNAD doesn't attend the Board.

Action 26/19 CJ to circulate terms of reference of review

Legislative updates (0919/06)

- 6.5 CJ took the Board through the paper.

Position for access and use of policing fingerprint data for DSTL

- 6.6 Previously the Board was alerted to two principal options being considered which are designed to put this important activity on a secure legal footing. The first option would bring police oversight to aspects of DSTL's Fingerprint Bureau so that the interaction with policing databases by DSTL is undertaken by a law enforcement body. The second option has a number of sub-options which variously move the work, or the people to do the work, between the MPS Bureau and/ or DSTL so that, wherever so conducted, the interaction with policing collections can be properly said to be undertaken by a law enforcement body.

A Home Office position paper has been received for option 1 before a wider legal review is triggered on behalf of NPCC, which was discussed at a meeting in early September. At the moment Controllers within policing still holds the risk of MoD using policing data.

BS asked if now was the appropriate time for the NPCC to seek legal advice on this. The group agreed it was. LK said that the Home Office would be looking for the opportunity to get this on a legal footing but in the meantime thinks it would be useful for the NPCC to get legal advice and they would be happy to advise on the questions to be sent to counsel. BS said that although he welcomes the offer he is keen to progress this and prevent any further delays.

Action 27/19 LW & KF to draft questions to be sent to counsel for NPCC to obtain legal advice

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Transforming forensics

- 6.7 KF gave a verbal update on transforming forensics.

7.0 Communication, consultation and engagement

Under 18

- 7.1 KF provided an update, work has continued with MM to make sure the data protection requirements both on the policing and the Biometric Commissioners office side for the process have been identified and added to the proposal. Discussions have taken place with NPCC custody lead staff officer to look at the best way to introduce this policy. Potentially through the police chiefs council.

Annual report – 0919/10

- 7.2 CG said that a draft of the report had been circulated and asked for feedback by October 11th

Any Other Business

- 7.3 BS said that as there are some big issues we need to deal with and these are often a rush he suggested the next meeting is held in January as a longer workshop. Members agreed.

BS also said he would like to thank CH for his input, challenge and contribution to the Board as he is being replaced as chair of the ethics group and this is his last meeting.