

FIND Strategy Board

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Open Minutes of Meeting

20th December 2023 – Microsoft Teams

1pm – 3:30pm

Present:

CORE MEMBERS

ORGANISATION	MEMBER
NPCC	Ben Snuggs (BS)
Association of Police and Crime Commissioners	Alexandra Campbell (AC) Darryl Preston (BP)
Home Office representing the Home Secretary	Jeremy Jones (JJ)

APPOINTED MEMBERS (as set out in the Governance Rules)

ORGANISATION	MEMBER
Biometrics and Surveillance Camera Commissioner	Tony Eastaugh (TE)
Biometrics and Forensics Ethics Group Chair	Niamh Nic Daeid (NND)
Information Commissioners' Office	Natasha Andrews (NA) Ian Deasha (ID)
Forensic Science Regulator	Gary Pugh (GP)

FIND Strategy Board

Devolved Administration – Scottish Police Authority	David Scrimger (DS)
Devolved Administration – Police Scotland	Gillian Jones (GJ)
Scottish Government Head of Forensics Policy: Police Powers Unit	Elaine Hamilton (EH)
Scottish Biometric Commissioner	Dr Brian Plastow (BP)

APPOINTED MEMBERS

ORGANISATION	MEMBER
NPCC – Counter-Terrorism (CT) Forensic Database	Shazia Khan (SK)
NPCC – Homicide Working Group	Martin Bottomley (MB)
NPCC – DNA	Emily Burton (EB)

SECRETARIAT

Home Office Forensic Information Databases Service (FINDS) - Head of Unit	June Guinness (JG) Zo-dee Ledger (ZL)
Home Office Forensic Information Databases Service (FINDS)	Caroline Goryll (CG) Casius Stone (CS)
Home Office Forensic Information Databases Service (FINDS)	Andrew Thomson (AT)

IN ATTENDANCE

ORGANISATION	MEMBER
Home Office Biometrics (HOB) Programme	Lee Winnett (LW) Chris Sims (CS)

FIND Strategy Board

Home Office, Interpol and International Biometric Exchange Team	Bianca Russo (BR)
National Crime Agency (NCA)	Paul Jolliff (PJ)
Home Office – Deputy Director, Strategy, Commissioning and Forensic Information Services	Jennifer Leech (JL)
Forensics Capability Network (FCN)	Vicki Burgin (VB)
Home Office, Policy	Geoff Keogh (GK)

APOLOGIES:

ORGANISATION	MEMBER
Devolved Administration – Northern Ireland	Stephen Campbell
Home Office Biometrics (HOB) Programme	Ian Betts (IB)
Devolved Administration – Scottish Police Authority	Gary Holcroft (GH)

1.0 & 2.0 Welcome, Introduction and Strategic Developments

The Chair welcomed everyone to the meeting.

3.0 Previous Minutes (1223/01a & b)

3.1 No update to previous minutes from Board.

4.0 Action Review (1223/02)

4.1 The meeting went through the action updates.

07/20 Take forward the reporting of crime scene errors from forces –include in data assurance strategy. Was previously on hold. Board agreed to bring this forward to next meeting to discuss.

FIND Strategy Board

05/22 Chair and Head of FINDS to share NPCC legal advice on the retaking of samples with key stakeholder. Update given. PNC change raised at the National PNC Name Group Board for consideration on 07/12/23. All forces supportive, change has been agreed, prioritisation being scoped. Ongoing.

11/22 FINDS & HOB to discuss Memorandum of Understanding's between law enforcement and the Home Office in the sharing of biometric data. Update given. The documents to ensure compliance for IDENT1 have been drafted. The equivalent documents for NDNAD are close to completion. Board agreed action can be closed after review.

15/22 ICO representative, FINDS Head of Unit and Home Office Head of Biometrics Policy to discuss where compliance to Criminal Procedure and Investigations Act (CPIA) retention will sit following the functions of the Biometric Commissioner moving to Investigatory Powers Commissioner's Office (IPCO). Minutes of meeting on 27/09/23 provided, board to discuss at end of actions (see 4.2).

05/23 Home Office International policy representative to bring a paper to the Board on Prüm II proposal. The EU have finalised the new Prüm II proposal and it will become law in early January 2024. There is a 9-month window for aligning with the EU. Further information will be provided at the next Board. Ongoing.

11/23 FINDS to look at the evidence to disregard matches where there are under 10 areas of overlap as being adventitious to feed into a review of these matches for Prüm. Board to look through paper at end of actions (see 4.3).

12/23 FINDS to follow up whether it is possible to share the report from the ODPO assurance review of fingerprints with the Board. Office of the DPO provided approval to share on 27/10/23. Action Closed.

13/23 Board members to feedback on paper 0923/08 on IDENT1 MI requirements by 13/10/23. Feedback is being progressed with HOB. Action Closed.

14/23 Board members to feedback on paper 0623/11 on Biometric elimination databases by 13/10/23. Small amount of feedback was received. Action closed.

FIND Strategy Board

Action Review (1223/03) CPIA Governance

- 4.2 FINDS Head of Unit updated the board on the meeting held on 27/09/23 on CPIA governance. It was proposed that an option is for the governance to move under the Forensic Portfolio Board. The Forensic Science Regulator said that he was happy to continue some oversight of this function of the Biometrics Commissioner once his role has been disbanded, however would not take on the function of effectively auditing it and monitoring the performance as it is not within his remit and it is not a forensic science activity under the act.

It was proposed that an option is for the governance to move under the Forensic Portfolio Board, this is still under discussion.

Adventitious Matches – Paper (1223/04)

- 4.3 The board is asked to approve the request to disregard Prüm DNA matches with 6-9 loci overlap where there is a mismatch at one position. **The board agreed.**

5.0 Operational Risks and Performance

Risk & issues Register (1223/05)

- 5.1 The group went through the risk register. There are seven open risks with updates and a proposal to close STRAT 23. One new issue was raised regarding the Immigration and Borders database (IABS) searching of fingerprints. It was proposed to close the escalation in relation to PNC Record deletions impacting NDNAD and IDENT1 as the remediation work now complete. Board agreed to close. An escalation in relation to retention of PoFA weeded records on IDENT1 was also raised and closed in the quarter.

Highlight report (1223/06)

- 5.2 The FINDS scorecard was presented.

Contamination Elimination Database (CED) Data Breaches (1223/07)

- 5.3 Paper 1223/07 was presented. FINDS report information on the CED to the DNA Operations group. They have also started to also report data breaches involving the CED to the DNA Operations Group. When a police officer/staff leaves a force, their sample is retained on the CED for 12 months from the date of departure to enable identification of any contamination events after they leave. This process

FIND Strategy Board

relies on Force HR units notifying FINDS in a timely manner of the officer's leaving date which doesn't always happen. It has been agreed that this data will be monitored by the DNA Operations Group. The chair said it was useful for the Board to also see the figures, he was content for it to be monitored through the DNA Operations Group and would provide help with escalating if required. It was agreed that figures would only be reported to the Strategy Board under exception.

Action 15/23 CG to add update on CED data breaches to March agenda.

International DNA and Fingerprint exchange.

Interpol DNA Exchange update 1223/08a and Fingerprint Prüm & Interpol Update 1223/08b

- 5.4 A presentation was given on the Prüm DNA figures.
- 5.5 Papers 0923/08a on DNA inbound Interpol exchanges and paper 1223/08b on the Fingerprint Prüm & Interpol Update were also presented.

The chair said that it was encouraging to see the increase in Prüm fingerprint searches. He asked how we can use the information to monitor police force usage. It was noted that once guidance is completed, there will be engagement and training to support forces, but that it is not possible to identify good usage levels yet. Once forces are more familiar with processes, then further assessments can be made and, for example, direct comparisons will be possible between similar size forces with similar size demographics.

The team is now working on improving how it's being used in the UK and improvements to be made ahead of Prüm 2. Further updates will be provided to the Board.

1223/09 Delegated authority for Mutual Legal Assurances (MLA's)

- 5.6 Paper 1223/09 was presented requesting for the NCA to act as a delegated authority in the management of DNA and fingerprint data exchanged in respect of MLA inbound requests by international policing partners. **Strategy Board agreed.**

FIND Strategy Board

1223/10 Vulnerable Persons Bulk Search

- 5.7 The Head of FINDS said that in June 2023 the Strategy Board approved a one-off search of the unidentified body DNA dataset retained on the Missing Persons DNA Database (MPDD) against the static Vulnerable Persons DNA Database (VPDD) dataset. This was undertaken and no matches were obtained. They requested that the Board agreed to a quarterly search of newly submitted unidentified body DNA profiles.

The chair said that he thinks the Board should approve but review at an appropriate time to assess whether or not any risks are manifesting and if there are any other unintended consequences. **Strategy Board agreed.**

The Homicide Working Group representative asked if it would be sensible to let the coroner know that these searches are taking place so that they can hold on to unidentified bodies for at least 3 months.

Action 16/23 FINDS to link with MB to discuss letting the chief coroner know about the quarterly searching of the VPDD static dataset against unidentified bodies.

6.0 Strategic change and delivery to Strategy Board timeline.

Strategic facial matching 1223/11

- 6.1 Paper 1223/11 was presented. With the Strategy Board governance for biometrics to expand to include custody images retained on IDENT 1 system, the paper defined the proposed roles of the Strategy Board and FINDS for retention and search regimes for custody images. The board agreed to take forward updating the Strategy Board policy for access and use of biometrics adding retention of custody images alongside DNA and fingerprints.

It was discussed that the Strategy Board's governance of custody images will only cover IDENT1, and not, for example PND. For decisions made by the FIND Strategy Board for custody images the board will need to ensure a link into operational Policing for visibility and to gauge impact of decisions.

FINDS will maintain the accuracy and integrity of the custody image collection within IDENT1 and monitor quality compliance reports. They will also have no access to, or responsibility for, the integrity for records retained on the PND. From an early point

FIND Strategy Board

FINDS have considered that they should apply the mature DNA data model to custody images such as publishing data on gov.uk. FINDS will keep the Strategy Board updated on custody image configuration progress and the wider programme of work being undertaken.

The Forensic Science Regulator said that his intention in the long run is to look at the regulation of this. He thinks that this will be much easier following this work.

HOB update

- 6.2 An update on the HOB Programme was provided. Good progress is being made on Strategic Matcher with the new matcher supplier following the successful transition from the previous supplier. System Integration Testing has commenced, with more than half of test cycles now completed. Preparations are being made for User Acceptance testing to be held in February with volunteers from Force Bureau being sought.

Biometrics Governance & Legislative Update - Gaughran judgement 1223/12

- 6.3 The Board received an update on the Data Protection and Digital Information Bill. Since the last meeting it has passed through its Commons report stage, third reading and Lords second reading. There was no debate on the FINDS board clause, which adds fingerprints to the board's statutory scope.

Gaughran judgement 1223/12

- 6.4 There was a European Court of Human Rights (ECtHR) judgment in 2020 in which a convicted drink driver in Northern Ireland asked to have his biometrics deleted. The Police Service of Northern Ireland (PSNI) refused and this went to the European Court of Human Rights, who found against the UK. The Court found that the scheme allowing for the indefinite retention of the biometrics of a person convicted of an offence was disproportionate and in breach of Article 8 of the European Convention on Human Rights. The paper presented proposals for England and Wales and suggests four broad options to satisfy the judgement.

Action 17/23 Board members to feedback to JJ on the Gaughran judgement options by 8th March.

FIND Strategy Board

FCN update

6.5 FCN are currently funded through the Home Office. This will cease on 31/03/24. It was agreed at Chief Constables Council on 07/12/23 that, as of 01/04/24, FCN will form part of the NPCC operating model. Their priority will be to work with NPCC to understand their strategic priorities, but they will continue to work with the forensic community to deliver best and biggest impact given their operating budget and resources. The board were asked to note that a delivery plan will be shared shortly.

A major focus for their DNA futures work is the marketplace strategic plan. They are working with FINDS on a work package on crime. They have completed feasibility and final recommendations and an outline business case for future changes which will be reported by the end of March 2024. This will be reviewed by the NPCC forensic Marketplace lead and then to the Forensic Portfolio Board.

FCN noted good progress with the YSTR project, they have completed a large number of sampling events and have over 3,000 samples of the 10,000 required.

Research projects

Genealogy pilot

6.6 The Board received an update on the pilot.

Action 18/23 – CG include an update on the Genetic Genealogy pilot for the next board meeting in March.

Annual report

6.7 FINDS have been working on their annual report including some additional data. They are also updating the FINDs .gov.uk web pages and setting up a new page to contain so of the static content of the annual report. It is hoped that the draft annual report will be shared with Board members by the end of January.

Updates from Board Members

6.8 The Scottish Biometrics Commissioner provided an update on the Statutory Code of Practice in Scotland. It has been in force for a year covering the police use of fingerprints, DNA and biometrics. They have had no complaints from data subjects in

FIND Strategy Board

the first year of the code and it would appear that the organisations to which it applies are all compliant with it. In partnership with the Scottish Government and Police Scotland they have started to review the laws of retention in Scotland. The Data Protection and Digital Information Bill is a piece of legislation that does not change/ impact the role of the Biometrics Commissioner in Scotland.

AOB

- 6.7 The chair thanked JG for all her hard work as acting Head of FINDS, and welcomed the new Head, Zo-dee Ledger.