

Meeting	Forensic Services Committee
Date	19 April 2021
Location	Microsoft Teams
Title of Paper	Biometrics update
Presented By	Tom Nelson
Recommendation to Members	For Noting
Appendix Attached	No

PURPOSE

This paper sets out the current work to consolidate the SPA FS Biometrics Strategy. The current primary focus at present is Fingerprints and DNA - biometric samples with which SPA FS has direct engagement.

This paper covers:

- Key principles of our SPA FS Biometric Strategy
- Police Scotland Approach – SPA FS Integration
- Home Office Biometric Programme – SPA FS Collaboration
- SPA FS Biometric Working Group

1. BACKGROUND

- 1.1 Biometric samples are powerful investigative tools which can help enquiries exclude people, inform investigative lines, as well as ultimately provide compelling evidence in court proceedings.
- 1.2 The acquisition, retention, and weeding of samples and relevant physical data in Scotland are governed by the Criminal Procedure (Scotland) Act 1995 and Section 18 sets out the provisions which must be adhered to when taking, using, and weeding biometric samples.
- 1.3 The primary focus of the SPA FS Biometrics Strategy are those biometric samples with which SPA FS has direct engagement – Fingerprints and DNA - and particularly how we manage data exchange relationships with UK and international databases.
- 1.4 **Fingerprints:** We currently operate Scotland's digital fingerprint collection of arrested/convicted people as part of a fully-integrated collection with England, Wales and Northern Ireland on IDENT1. While this offers advantages in the identification of marks in cross border crimes such as drugs cases, Scotland has faced considerable challenges in delivering legislative compliance for retention of our biometric fingerprint data.
- 1.5 **DNA:** SPA Forensic Service maintains the Scottish DNA database - established in 1996 - which contains DNA profiles obtained by the criminal justice process in Scotland. The Scottish DNA Database is maintained by a private contractor and our independent control of Scottish DNA data allows it to be maintained and updated in line with Scottish legislative requirements. An encrypted data transfer arrangement is used to link Scottish profiles with the UK DNA database.

2 Key Principles of our SPA FS Biometric Strategy

- 2.1 SPA FS are accountable for ensuring individual biometric data is used in a manner, which is ethically responsible, legislatively compliant and respectful of the rights of individuals, whilst at the same time facilitating its use in the investigation and resolution of crime.
- 2.2 Our strategy is focused on achieving effective and efficient Scottish control of Scottish biometrics data in all key touchpoints and data

exchange systems. It is critical that we continue collaborative working strategies with our criminal justice partners, Police Scotland and Home Office Biometric Programme (HOB), as we seek to align our SPA FS Biometric Strategy with the strategy of Police Scotland and the UK Biometric Strategy being progressed by the UK National Police Crime Committee (NPCC).

- 2.3 The appointment of the new Scottish Biometric Commissioner provides further opportunity to ensure we contribute to and ultimately comply with the codes of practice and regulations which will emerge from the commissioner's office.

Police Scotland Approach

- 2.4 SPA FS are fully engaged with Police Scotland, who have established a governance structure to mirror the one taken by the NPCC. This will ensure knowledge sharing from pilot activity by NPCC Biometrics. Director Tom Nelson and DCS Cunningham will represent Scotland on the NPCC sub group for Forensic Biometrics which is to be chaired by Chief Constable James Vaughan.
- 2.5 Tom Nelson also sits on the Police Scotland Biometrics Oversight Board, which is chaired by DCC Graham who is supported by ACC Heaton. The board's macro-level action plan has adopted a data asset ownership approach which is best managed within existing structures with the required tactical expertise.
- 2.6 There are four areas of business being managed by the Biometrics Oversight Board:
- o Biometric Data:
 - o Forensic Biometrics:
 - o Biometrics Technology:
 - o Ethics:
- 2.7 The Biometrics Oversight Board is supported by the Biometrics Oversight Sub-Group which consists of biometric business areas, crime, and CJSD representatives. It is co-chaired by the Police Scotland Biometrics Data Steward Gillian Nicholson and SPA FS Operations Manager Joanne Tierney.
- 2.8 The action plan has identified the three phases of activity:
- o Phase 1 - Data Housekeeping

- Phase 2 - Engagement with the Scottish Biometrics Commissioner
- Phase 3 - Engagement on proposed Code of Practice (once drafted by the Commissioner)

2.9 In 2020 Joanne Tierney, as Chair of the former Biometrics Working Group, drafted a suite of documents covering biometrics for Police Scotland. Following stakeholder engagement these documents are currently being finalised for publication.

Home Office Biometric Programme – SPA FS Collaboration

- 2.10 SPA FS works in partnership with the Home Office Biometric Programme covering both the UK fingerprint database (IDENT1) and the UK DNA Database (NDNAD).
- 2.11 While the data exchange mechanism for DNA currently works well, the management of legislative compliance of Scottish Data on the NDNAD is an intensive manual-based process which does not deliver the efficiencies of automated electronic data transfer
- 2.12 The 2003/2004 Scottish Government decision to amalgamate with IDENT1, was made at a point when the design build for the system was almost complete. Ad-hoc data exchange arrangements were put in place to facilitate the exchange of record management data between PNC and our own data control mechanism, the Scottish Criminal History System (CHS). While these mechanisms are electronic they do not provide the level of data control required. Manual work-arounds and resource-intensive reconciliation processes have prevented Scotland from accessing the range of business benefits associated with IDENT1 that are enjoyed by our UK Colleagues.
- 2.13 In June 2020 an extensive report ***Home Office Biometrics Programme: Implications and future options for biometric data and biometric policing databases in Scotland*** was submitted to the SPA Forensic Services Committee and Scottish Government.
- 2.14 Principal among the report's recommendations is that, in contributing to wider UK policing databases, Police Scotland and SPA Forensic Service should ensure that they have the functionality to administer and maintain Scottish biometric data in accordance

with Scottish legislation, Scottish policing policy, and any Codes of Practice in terms of its use. Specifically:

DNA

"Police Scotland and SPA Forensic Service should engage with the HOB delivery team to explore the feasibility of structuring all Scottish DNA data on the future NDNAD2 as a 'Scottish Collection' within the overall UK system. This will ensure that this data is capable of being administered from Scotland in accordance with Scottish legislation, operational policing policy, and any Codes of Practice in terms of its use."

Fingerprints

"SPA Forensic Service should initiate formal activity with the HOB delivery team to explore the feasibility of structuring all Scottish fingerprint data within IDENT1 into a 'Scottish Collection' within the overall system. This will ensure that this data is capable of being administered from Scotland, and in accordance with Scottish legislation, operational policing policy, and any Codes of Practice in terms of its use."

- 2.15 The ultimate aim is for Scotland to have the capacity to independently manage Scottish data on UK databases. Through establishing appropriate electronic interfaces with our primary case recording system (CHS) we should then be able to fully align with the functionality available to UK colleagues. The challenge is to determine how/if this can be accommodated within the scope of the current HOB programme without additional overheads being remitted to Police Scotland/SPA/Scottish Government.
- 2.16 Work continues to upgrade/replace the Scottish DNA database and investigation of an appropriate electronic data exchange solution will be explored as part of the technical architecture.
- 2.17 There has been engagement for a number of years with HOB and PNC to deliver on Scottish Strategic requirements for IDENT1.
- 2.18 Whilst HOB have been supportive in principle, it has been challenging to identify the resource required for a clearly defined plan of action. Recent engagement with the new Director of the HOB Programme Caroline Pratley, and new Senior Responsible

Owner Dr Jenny Stewart, has been encouraging. HOB have now identified a single point of contact at tactical level – Ian Bennet who has been tasked with taking this forward to delivery. Ian is engaging with Forensic Services representatives to establish an appropriate action plan.

- 2.19 We have also been seeking increased PNC permissions for nominated SPA FS staff to deliver greater independent control of Scottish Data. This was an unprecedented request, which required direct engagement at PNC executive level over a prolonged period of time, however agreement has now been secured. This will transform our ability to directly control Scottish data on UK systems and provide the platform needed to move forward to our longer term aim of CHS integration with UK biometric databases.

SPA FS Biometrics Working Group

- 2.20 Given the extent of the current activity in biometrics, SPA FS Senior Management Team have established a SPA FS Biometrics Working Group to:

"Provide strategic direction and oversight of all matters pertaining to "biometric data" which influences and impacts Forensic Services. The Board will ensure that Forensic Services comply with the law and transparently uphold the rights of all citizens in Scotland".

3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications in this report.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

- 5.1 There are no further legal implications in this paper to those listed above.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are no reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to Note the information contained within this report.