

Mr David Mery

By e-mail to dmery@acm.org

Our Reference: 44821

12th November 2008

Dear Mr Mery,

I am writing with reference to your request for information regarding the National DNA Database (NDNAD), made under section 1(1) of the Freedom of Information Act, dated and received by the National Policing Improvement Agency (NPIA) on 3rd November 2008.

You asked for the following information:-

1/ A copy of the process (or processes) that is being followed to remove the DNA profiles and destroy the DNA samples for subjects whose DNA was taken by Scotland forces when legally obliged to. The process I am requesting is to describe the process followed to ensure proper removal and destruction of the 20,000 or so DNA profiles and DNA samples for forces other than England & Wales forces (number of profiles removed as indicated in the table of section 4 or your response reference 43286 to an earlier FOIA request). Which roles in which departments have to perform which actions, how is this verified, how is this communicated, etc.

2/ Information describing how profiles removed from the NDNAD are dealt with during back up operations, and in cases of a crash of the database, restore operation of the of the NDNAD.

3/ If a process is being created for the removal of DNA profiles and destruction of DNA samples for subjects whose DNA was taken by England and Wales forces (i.e., describing the actions happening after reaching the 'Yes - Action the removal of PNC, fingerprint and DNA records' box in the MoPI Guidance - Step model - Retention Guidelines), any available documents related to the creation of this process.

NPIA
New King's Beam House,
22 Upper Ground, London, SE1 9QY

T 020 8358 5678
F 020 8358 5700

NPIA (headquarters)
4th Floor,
10-18 Victoria Street,
London, SW1H 0NN

T 020 7147 8200
F 020 7147 8201
www.npia.police.uk

4/ Numbers of subject and crime scene profiles, for both samples taken by England & Wales forces and for samples taken by other forces, added to the NDNAD per calendar year since 2002.

5/ Total numbers of subject and crime scene profiles, for both samples taken by England & Wales forces and for samples taken by other forces, in the NDNAD per calendar year since 2002.

I can confirm that the NPPIA holds the information you have requested and the information that can be disclosed is included in this response. The remainder of the information that falls within the terms of your request is exempt from the right of access under the Act.

1/ A copy of the process (or processes) that is being followed to remove the DNA profiles and destroy the DNA samples for subjects whose DNA was taken by Scotland forces when legally obliged to. The process I am requesting is to describe the process followed to ensure proper removal and destruction of the 20,000 or so DNA profiles and DNA samples for forces other than England & Wales forces (number of profiles removed as indicated in the table of section 4 or your response reference 43286 to an earlier FOIA request). Which roles in which departments have to perform which actions, how is this verified, how is this communicated, etc.

In Scotland the legislation differs from that in England and Wales. In Scotland, DNA profiles obtained from samples taken on arrest may only be retained on the NDNAD if:-

- (1) A conviction is obtained in the case for which the sample was taken.*
- (2) For a period of 3 years when a person is arrested for a relevant sexual or violent crime and the case results in a verdict other than guilty, or if no court verdict, providing proceedings are formally commenced and abandoned by the Crown.*

Once a case has been completed, or proceedings have been dropped there is the requirement that a Scottish subject sample record be deleted from the NDNAD. This information is also held on the Scottish DNA Database which is administered by the Scottish Police Services Authority (SPSA) and retention and removal of samples and data from both databases is undertaken following instruction from the force where the sample was obtained. The Scottish DNA Database is used as a one point conduit for all Scottish forces to instruct removal from the NDNAD. This is achieved by Scottish Database staff sending a monthly compilation list of the unique sample identification numbers to the Service delivery team; this is the team working on the day to day operation and maintenance of the NDNAD. When a deletion request is received by the service delivery team, the correct sample record will be identified on the NDNAD from the unique sample identifier and the sample record will be deleted from the NDNAD.

We do not hold any information on the processes followed by the Scottish forces in identifying samples for deletion and informing the forensic laboratories of the need

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to delete samples; this information would be held by the Scottish Police Service authority (SPSA).

2/ Information describing how profiles removed from the NDNAD are dealt with during back up operations, and in cases of a crash of the database, restore operation of the of the NDNAD.

The NDNAD has both a regular internal and a regular off-site back-up procedure. All transactions carried out on the NDNAD are backed up each working day. The deletion of profiles from the NDNAD would be treated the same as any other NDNAD transaction within this back-up procedure. Any record of a DNA profile will also be removed from all back-up media within 10 days of its deletion from NDNAD.

3/ If a process is being created for the removal of DNA profiles and destruction of DNA samples for subjects whose DNA was taken by England and Wales forces (i.e., describing the actions happening after reaching the 'Yes - Action the removal of PNC, fingerprint and DNA records' box in the MoPI Guidance - Step model - Retention Guidelines), any available documents related to the creation of this process.

Following the judgement last week in the S & Marper case heard at the European Court of Human Rights the DNA sample retention and destruction requirements are being reviewed.

4/ Numbers of subject and crime scene profiles, for both samples taken by England & Wales forces and for samples taken by other forces, added to the NDNAD per calendar year since 2002.

Year		England & Wales Forces	Other Forces
2002	Total Subject Profiles added	473363	42037
	Total Crime Scene profiles added	56333	2061
2003	Total Subject Profiles added	413947	44087
	Total Crime Scene profiles added	58414	1983
2004	Total Subject Profiles added	479899	40843
	Total Crime Scene profiles added	56801	1899
2005	Total Subject Profiles added	589133	60582
	Total Crime Scene	66947	2586

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	profiles added		
2006	Total Subject Profiles added	683349	77942
	Total Crime Scene profiles added	54666	2416
2007	Total Subject Profiles added	560443	55425
	Total Crime Scene profiles added	49551	2499
2008 up to 26/11/08	Total Subject Profiles added	469151	55037
	Total Crime Scene profiles added	43363	1764

The figures for subject profiles cover all subjects loaded to the NDNAD and therefore cover both subjects who provided a sample voluntarily, for example for elimination purposes within the context of a specific case, and also criminal justice samples which are those taken from individuals following arrest for a recordable offence

They refer to the numbers of subject *profiles* loaded to the NDNAD and thus do not equate to the actual number of *individuals* loaded to the NDNAD. The number of subject profiles loaded to the NDNAD is higher than the number of individuals because some of the profiles held are replicates. Replicates arise from samples being taken from the same subject on more than one occasion for example where a person gave different names, or different versions of their name, on separate arrests or where a Police Force chooses to resample them to improve the discriminating power or evidential value of the sample.

As explained in your previous response the NDNAD is a dynamic, continually changing database, some of the sample records included in these figures will therefore have since been deleted.

5/ Total numbers of subject and crime scene profiles, for both samples taken by England & Wales forces and for samples taken by other forces, in the NDNAD per calendar year since 2002.

Because the data on the NDNAD is constantly changing, it is generally only possible to provide a "snapshot" of its contents at the current moment in time. Because of this, we are unable to run reports retrospectively to obtain figures on the numbers of profiles held on the NDNAD in previous years. However, I would draw your attention to the relevant information which was published in the previous NDNAD annual reports. These reports are available for download on the Home Office website and the NPIA website at the following addresses;

<http://www.npia.police.uk/en/11403.htm>

<http://www.homeoffice.gov.uk/science-research/using-science/dna-database/>

We are able to provide the current up to date figures on the NDNAD.

Total number of profiles held on the NDNAD as at 26/11/08

	England & Wales Forces	Other Forces
Total Subject Profiles	5,086,243	341,699
Total Crime Scene profiles	326,773	14,086

The figures for subject profiles cover all subject profiles held on the NDNAD and therefore cover both subjects who provided a sample voluntarily, for example for elimination purposes within the context of a specific case, and also criminal justice samples which are those taken from individuals following arrest for a recordable offence

They refer to the numbers of subject *profiles* held on the NDNAD and thus do not equate to the actual number of *individuals* on the NDNAD. The number of subject profiles on the NDNAD is higher than the number of individuals because some of the profiles held are replicates. Replicates arise from samples being taken from the same subject on more than one occasion for example where a person gave different names, or different versions of their name, on separate arrests or where a Police Force chooses to resample them to improve the discriminating power or evidential value of the sample.

Your right to complain

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will investigate the matter and endeavour to reply within 3 – 6 weeks. You should write to:

Gavin McKinnon
Head of Secretariat
National Policing Improvement Agency
10-18 Victoria Street
London
SW1H 0NN

E-mail: gavin.mckinnon@npia.pnn.police.uk

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If you are still dissatisfied following our internal review, you have the right, under section 50 of the Act, to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by the NPIA. The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Further information about the NPIA is routinely published on our website at www.npia.police.uk or through our publication scheme. If you require any further assistance in connection with this request please contact us at our address above.

Yours sincerely,

Lisa Thorpe
Front Line Support Officer
National Policing Improvement Agency