

23 April 2007

Alan Brown
Home Office
Police Leadership and Powers Unit
4th Floor Peel
2 Marsham Street
London SW1P 4DF

Dear Mr Brown,

Review of the Police and Criminal Evidence Act 1984

Thank you for the opportunity to submit evidence to the review of the Police and Criminal Evidence Act 1984 (PACE).

A Working Group of the Nuffield Council on Bioethics is currently considering the ethical issues surrounding the forensic use of bioinformation. The Group was formed in October 2006 and will publish a Discussion Paper in September 2007. Although the Council will not be releasing its conclusions and recommendations before this time, we wanted to bring this work to the attention of the Home Office. The study will focus on the use of fingerprints and DNA sampling, and, in particular, on police powers to take, store and analyse DNA, including issues relating to the National DNA Database. The full Terms of Reference are at Annex A. The Working Group held a public consultation from November 2006 to January 2007, which received 140 responses from interested individuals and organisations. A copy of the Consultation Paper can be downloaded at:

www.nuffieldbioethics.org/go/ourwork/bioinformationuse/page_848.html.

Further information about the Council and the Working Group is available at: www.nuffieldbioethics.org.

As you may know, I wrote recently to Vic Hogg, Director of Policing Policy and Operations Directorate, suggesting a meeting to discuss matters of common interest with regard to the review of PACE, in particular the proposals concerning the extended use of biometric information and identification procedures.

Chairman

Professor Sir Bob Hepple QC, FBA

Deputy Chairman

Professor Peter Smith CBE

Members

Professor Roger Brownsword
Professor Sir Kenneth Calman KCB FRSE
Professor Sian Harding
Professor Peter Harper
Rt Reverend Lord Richard Harries DD FKC
FRSL
Professor Ray Hill FMedSci
Professor Søren Holm
Mr Anatole Kaletsky
Dr Rhona Knight
Lord Krebs MA DPHIL Kt FRS FMedSci
Professor Peter Lipton
Professor Alison Murdoch MD FRCOG
Dr Bronwyn Parry
Professor Hugh Perry
Lord Plant of Highfield
Professor Nikolas Rose

Director

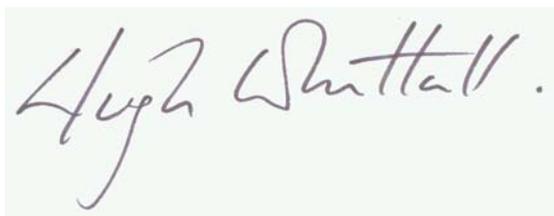
Hugh Whittall

Assistant Director

Harald Schmidt

Please do not hesitate to contact us if we can be of further assistance.

Yours sincerely,

A handwritten signature in black ink on a light green rectangular background. The signature reads "Hugh Whittall." in a cursive script.

Hugh Whittall
Director

ANNEX A

The forensic use of bioinformation: ethical issues

Terms of reference

1. To identify and consider the ethical, social and legal issues raised by current and potential future uses of bioinformation for forensic purposes.
2. To consider, in particular:
 - a) the interpretation of the information;
 - b) the collection, storage and retention of profiles and samples;
 - c) use of forensic databases for the identification of blood-related, deceased and missing persons;
 - d) issues of informed consent, privacy and confidentiality in the light of data protection and human rights legislation;
 - e) arguments for and against population-wide forensic databases;
 - f) access to and use of forensic databases for purposes of research;
 - g) admissibility and use of bioinformation in criminal proceedings;
 - h) sharing of bioinformation for forensic purposes across international boundaries;
 - i) use for forensic purposes of bioinformation collected for non-forensic purposes; and
 - j) governance of research conducted by or for forensic laboratories.
3. To identify the ethical and legal principles and procedures which should govern the forensic use of bioinformation, and to make recommendations.
4. To draft a Discussion Paper on these issues.