

**Home Office Consultation:
Guidance on early deletion of DNA and fingerprint records**

July 2013

Submitted to: <http://www.homeofficesurveys.homeoffice.gov.uk/s/82476HCSFV>

The Nuffield Council on Bioethics is an independent, not-for-profit, UK organisation that explores and reports on ethical issues in science and medicine. These responses are based on conclusions and recommendations of the Nuffield Council on Bioethics report '*The forensic use of bioinformation: ethical issues*', published in September 2007. The full report is available to download at www.nuffieldbioethics.org/bioinformation.

Question: The [guidance](#) says at paragraph 9(iv) that the basis for an early deletion decision will include 'substantial evidence that an individual is no longer a suspect'. To what extent do you agree that this standard of evidence should be required? (Select one option a to e):

- a) Strongly agree
- b) Tend to agree**
- c) Tend to disagree
- d) Strongly disagree
- e) Not sure

Please give reasons for your answer:

This fits with the general approach favoured in the Council's report that retention of data is not justified where the person is not found guilty of a crime.

Question: The guidance sets out a process whereby applications are administered by a central national early deletion unit, run by the police Criminal Records Office, which will process applications on behalf of all forces. The unit will not make or recommend decisions on applications.

A - To what extent do you agree or disagree that a central early deletion unit is needed? (select one option a to e)

- a) Strongly agree**
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Not sure

Please give reasons for your answer:

We welcome the establishment of a central unit to process requests from individuals for early deletion from forensic bioinformation databases, as this was an important recommendation made in the Council's report. However in our view this unit should not just be purely administrative but should have an oversight

function. We also think it should be independent and that the early deletion process should be made publicly available.

B - To what extent do you agree or disagree that the decision making role on applications should be with Chief Constables? (select one option a to e)

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree**
- d) Strongly disagree
- e) Not sure

Please give reasons for your answer:

We think the early deletion process should be overseen by an independent central body, for example along the lines of an administrative tribunal. The Council noted in its report that Chief Constable's discretion applied to the 'Exceptional Case Procedure' was too wide.

Any other comments

The recommendations made in the Council's 2007 report, upon which this response is based, were made prior to the changes in the law introduced in 2012 to reform indiscriminate, indefinite retention of DNA and fingerprint records of arrested persons. We acknowledge and welcome the changes in law that prevent retention of fingerprints, DNA profiles and biological samples of innocent people, as we feel strongly that these should be retained indefinitely only for those convicted.

It is our strong view that the early deletion application process guidelines should be publicly accessible and should set out clearly the grounds upon which an application can be made, to ensure that the data of innocent individuals is held for the minimum time possible.