

This response was submitted to the consultation held by the Nuffield Council on Bioethics on *The Forensic use of bioinformation: ethical issues* between November 2006 and January 2007. The views expressed are solely those of the respondent(s) and not those of the Council.

Institut Borja de Bioetica

Question 1: The interpretation of bioinformation

ANSWER:

Yes, of course, although we should remark the importance to be careful in cases if we use partial profiles; related individuals and the increasing size of the NDNAD.

Question 2: Sampling powers

ANSWER:

2.a. The police can take CJ samples; elimination samples and scene samples for purposes of identification and elimination. The police should be able to request further information in detection cases. We have doubts about the third question mark. 2.b. No 2.c. Yes, current criteria are proportionate but we do not consider proportionate to the needs of law enforcement the retention of bioinformation from those who are not convicted. 2.d. No

Question 3: The management of the NDNAD

ANSWER:

3.a.1. From suspects it is OK, for volunteers should not be kept indefinitely. 3.a.2. Elimination samples should not be kept indefinitely. 3.a.3. We don't know how the function to remove profiles and samples from the NDNAD be exercised and overseen. 3.b. Research on profiles or samples NDNAD should not be permitted without the informed consent of the individual concerned. 3.c.1. We consider that the access should be the same as every other DNA bank. 3.c.2. Should be considered case by case. 3.d. International Law agreements.

Question 4: Ethical Issues

ANSWER:

4.a. Yes to both questions. 4.b. No. 4.c.1. No without their consent. 4.c.2. No. 4.c.3. We have doubts. 4.c.4. Yes. 4.d. No, to both questions. We agree 100% on the Police Science and Technology group you mentioned in the page 13 of your Consultation Paper: "In the application of science and technology, the Strategy Group recognises the fundamental importance of ensuring that science and technology is used by the police only to enhance civil society. That is, in the sense of people's safe and secure enjoyment of their lives and property without intrusion that would breach their civil rights or scientific ethics".

Question 5: The evidential value of bioinformation

ANSWER:

5.a. Is a matter of public police education. 5.b. We have some doubts.