

23 April 2007

Rt Hon John Denham MP  
Home Affairs Committee  
House of Commons  
7 Millbank  
London SW1P 3JA

Dear Mr Denham,

**Inquiry: 'A surveillance society?'**

Thank you for the opportunity to submit evidence to the inquiry by the Home Affairs Committee entitled 'A surveillance society?'

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 Committee. 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](http://www.nuffieldbioethics.org/go/ourwork/bioinformationuse/page_848.html).

Further information about the Council and the Working Group is available at: [www.nuffieldbioethics.org](http://www.nuffieldbioethics.org).

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

**Chairman**

Professor Sir Bob Hepple QC, FBA

**Deputy Chairman**

Professor Peter Smith CBE

**Members**

Professor Roger Brownsword  
Professor Sir Kenneth Calman KCB FRSE  
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Dr Rhona Knight  
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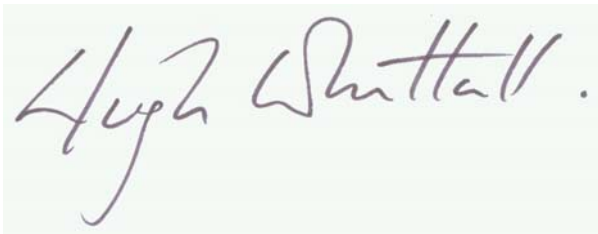
**Director**

Hugh Whittall

**Assistant Director**

Harald Schmidt

Yours sincerely,

A handwritten signature in dark ink on a light green background. The signature reads "Hugh Whittall." with a period at the end. The handwriting is cursive and fluid.

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.