

# Policing and DNA Databases

## The Privacy and Data Protection Perspective

Jonathan Bamford  
Assistant Information Commissioner



Information Commissioner's Office

## International Privacy and DP Legal Framework

- Universal Declaration of Human Rights
  - Article 12
- European Convention on Human Rights
  - Article 8
- Council of Europe Convention 108
- OECD Privacy Guidelines
- EU Data Protection Directive 95/46/EC



Information Commissioner's Office

## UK Privacy and DP Legal Framework

- Human Rights Act 1998
- Data Protection Act 1998



Information Commissioner's Office

## The Data Protection Principles

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept for longer than necessary
- Processed in line with individuals' rights
- Kept secure
- Not transferred to countries without adequate protection



Information Commissioner's Office

## Key Issues

- Wider use
- Wider disclosure
- Extent of the information on NDNAD/PNC
- Length of retention/deletion only on exceptional case basis
- Privacy friendly approaches
  - Scottish approach
  - Technological approach



Information Commissioner's Office

## Key Questions

- Is it right that volunteers can't withdraw consent?
- Should details be retained of:
  - un-convicted where there are no concerns?
  - un-convicted where they may be concerns?
  - convicted for old, minor offences?
- Is 'exceptional case' deletion right?
- Will privacy friendly approaches work?



Information Commissioner's Office