

DMPC Decision – PCD 519**Title: Forensic Services Prüm DNA Service Delivery Plan****Executive Summary:**

The Prüm arrangements date back to 2005 and allow for the large-scale exchange of fingerprints and DNA profiles (and vehicle registration numbers) between signatories to the Prüm Treaty for the purposes of law enforcement and national security.

The UK did not join the Prüm arrangements in 2005 and it was not until 2013 that it was proposed that the UK undertake a Prüm Style Pilot for DNA exchange and MPS Forensic Services was commissioned to undertake the pilot. The Prüm Style Pilot resulted in parliament voting overwhelmingly in favour of joining the Prüm Treaty in December 2015.

The MPS are now requested by the Home Office to progress to the implementation stage of the Prüm delivery programme. This will require delivery of a DNA match validation service that was designed and implemented in the pilot and which will be scaled up to deal with the increased DNA profiles that will be exchanged through Prüm. The Home Office has agreed to fund the MPS service for a 3 year period.

Recommendation:

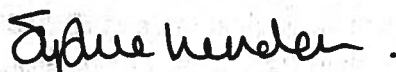
The Deputy Mayor for Policing and Crime is recommended to:

- Approve MPS Forensics to build on the pilot and Agree to implement Prüm activity as a fully funded 3 year plan (2 year operational with 1 year transition to National solution) in partnership with the Home Office, with the MPS acting as lead force via Forensic Services;
- To note that funding will be supplied via Home Office, who have supplied a letter of confirmation;
- Acknowledge and approve the cost recovery required to resource delivery;
- Approve partnership delivery and agree funding from the Home Office a 3 year period of £3,057,000;
- Agree the use of Capital funds (Historic Home Office Funding) of £143,812;
- Agree to convert £32,975 of the Capital fund to revenue as agreed by the Home Office included in the £143,812 above.
- Agree to add £375,000 to the MPS's capital plan to be funded from Home Office grant of £264,000 and drawing down from the historical funds of £111,000.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature**Date**

10/01/2019

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. As a critical service, Forensics plays a key enabling role to the investigation and judicial process. There is no automated ability to search into European Databases. This work to implement Prüm activity will provide the following benefits to address this:
- Improved response to requests for information associated with crime and terrorism
 - Simplified processes to request information and/or data
 - Efficiency gains in international searching
 - Increase in resolution of unsolved crimes
 - Creation of crime and terrorism intelligence picture
 - Detection of volume crime as well as serious crimes
 - Exploitation of UK investment in other data systems
 - Access to Eurodac for criminal investigation searching.

2. Issues for consideration

- 2.1. Within the overall implementation programme there is project to deliver Prüm DNA functionality and within this is a Prüm Technical solution that utilises complex DNA matching software and a requirement for a case management and work flow capability.

3. Financial Comments

- 3.1. The planned work is fully funded by the Home Office for a 3 year period with new funding of up to £3m plus use of historical funds of £0.1m.
- 3.2. This will pay for a combination of internal resources and servicing and maintenance / support contracts for the hardware and DNA matching software CODIS.
- 3.3. The capital cost will be £0.4m. Revenue costs are anticipated to be £2.7m.

4. Legal Comments

- 4.1. S15 of the Police Reform and Social Responsibility Act 2011, allows MOPAC, as the governing body, to provide a service to a third party.
- 4.2. The MOPAC Scheme of Delegation and Consent requires DMPC approval for all unforeseen contract variations and extensions with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months.

4.3. The MOPAC Scheme of Consent and Delegation at Clause requires the Deputy Mayor for Policing and Crime to approve all bids for grant funding made and all offers made of grant funding.

4.4. The approval will be documented by way of a S15 Provision of Services agreement to formalise the arrangement.

5. GDPR and Data Privacy

5.1. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

5.2. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

5.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements

5.4. A DPIA is being completed for this project. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with GDPR. DPIAs support the accountability principle, as they will ensure the MPS complies with the requirements of GDPR and they demonstrate that appropriate measures have been taken to ensure compliance.

6. Equality Comments

6.1. As this is an extension of an existing service this work does not change any aspects relating to equality or diversity.

7. Background/supporting papers

7.1. Report

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION

	<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues Commercial issues are not applicable	✓
GDPR/Data Privacy <ul style="list-style-type: none">GDPR compliance issues are covered in the body of the report.A DPIA is being completed.	✓
Director/Head of Service: The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

OFFICER APPROVAL**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

R. Lawrence

Date

10/1/19



MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Business Justification Paper – Forensic Services Prüm DNA Service Delivery Plan

MOPAC Investment Advisory Board

Report by Director of Forensic Services - Chris Porter on behalf of the Deputy Commissioner

Part 1 – This section of the report will be published by MOPAC. It is Classified as OFFICIAL – PUBLIC

EXECUTIVE SUMMARY

The Prüm arrangements date back to 2005 and allow for the large scale exchange of fingerprints and DNA profiles (and vehicle registration numbers) between signatories to the Prüm Treaty for the purposes of law enforcement and national security. The UK did not join the Prüm arrangements in 2005 and it was not until 2013 that it was proposed that the UK undertake a Prüm Style Pilot for DNA exchange and MPS Forensic Services was commissioned to undertake the pilot.

The Prüm Style Pilot resulted in Parliament voting overwhelmingly in favour of joining the Prüm Treaty in December 2015. The key briefing provided to the Commissioner and Management Board on the outcome of the pilot and the benefits of Prüm are outlined in the attached briefing note.

As this is a Treaty obligation the full implementation of the Prüm arrangements including programme management and stakeholder engagement is been led by the Home Office with the NCA and MPS as delivery partners. In this role MPS Forensic Services (on behalf of all police forces in England and Wales) bring considerable operational experience and routinely deal with the international exchange and matching of fingerprints and DNA profiles across serious crime, terrorism and disaster victim identification.

Within the overall implementation programme there is project to deliver Prüm DNA functionality and within this is a Prüm Technical solution that utilises complex DNA matching software and a requirement for a case management and work flow capability.

The Business Justification Paper presents the progress to date on the delivery of the full implementation of the Prüm arrangements and the MPS role within this.

There are three key steps to implementation of the Prüm DNA arrangements;

1. The delivery of the DNA PRÜM technical solution that was developed and implemented in the pilot and will be extended to include a case management module. **This was agreed by PIB and MOPAC IAM in March this year and has been delivered.**
2. The delivery of a DNA match validation service that was designed and implemented in the pilot and will be scaled up to deal with the increased DNA profiles that will be exchanged through Prüm.

3. The impact to the wider MPS and the wider police service of the increased number of DNA matches that will result from implementation of Prüm, this is outside of the remit of Forensic Services and will be managed nationally through NPCC International Criminality Portfolio and the NCA

Recommendations

The Deputy Mayor for Policing and Crime, via the Investment Advisory Board (IAB), is asked to approve;

1. To build on the pilot and Agree to implement Prüm activity as a fully funded 3 year plan (2 year operational with 1 year transition to National solution) in partnership with the Home Office, with the MPS acting as lead force via Forensic Services

1.1.2 To note that funding will be supplied via Home Office, who have supplied a letter of confirmation.

1.2 Acknowledgement and approval of cost recovery required to resource delivery;

1.2.1) Approve partnership delivery and agree funding from the Home Office a 3 year period of £3,057,000

1.2.2) Agree the use of Capital funds (Historic Home Office Funding) of £143,812.

1.2.3) Agree to convert £32,975 of the Capital fund to revenue as agreed by the Home Office included in the £143,812 above.

1.2.4) Agree to add £375,000 to the MPS's capital plan to be funded from Home Office grant of £264,000 and drawing down from the historical funds of £111,000.

Time sensitivity

A decision is required from the Deputy Mayor at the earliest opportunity. Approval could not be sought until the EU process reached a stage whereby there assurance the application would proceed to the EU Parliamentary final approval stage and the MPS received confirmation of Home Office funding. This has now been provided by the Director of the Home Office Biometric Programme (Letter attached)

Once the EU Parliament provide final approval (which could be as soon as mid-January) the expectation would be for the UK to become operational or there is a risk of financial infraction. The MPS will need to begin a recruitment process at the earliest opportunity to ensure sufficient resource is in place for delivery of service (This additional resource will be on a 3 year fixed contract through Home Office Funding)

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

As a critical service, Forensics plays a key enabling role to the investigation and judicial process. There is no automated ability to search into European Databases.

Prüm Benefits listed in the Home office 2015 Prüm Business Case

- Improved response to requests for information associated with crime and terrorism
- Simplified processes to request information and/or data
- Efficiency gains in international searching
- Increase in resolution of unsolved crimes
- Creation of crime and terrorism intelligence picture
- ***Detection of volume crime as well as serious crimes***
- Exploitation of UK investment in other data systems
- Access to Eurodac for criminal investigation searching

Additional extracts relating to CT from Proposal:

Counter terrorism and Police access

- Capability to anticipate and respond to policing need
- Dynamic risk assessments from specialised police teams
- Access to multiple databases available for use in prioritisation, risk assessment, sequential searching.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

1. A better police service for London – the ability to automatically search European Databases, in the MPS it is estimated 30% of arrestees are Foreign National Offenders
2. Better criminal justice service for London – More timely response to criminal justice requirements for Forensic Investigation
3. Increased support to crimes that cause high harm to Londoners – By extending the searching ability of databases where we had previously had no access, Forensic Services has a greater opportunity to support investigation

Financial, Commercial and Procurement Comments

Commercial Considerations

Servicing and maintenance / support contracts will be required for the hardware and DNA matching software CODIS. Costs are summarised below. Servicing and maintenance / Support contract will also be required for the case management system. Both support contracts will be yearly contracts for a three year tenure. The DNA matching capability is required to be functional on a 24/7 basis, therefore the support and maintenance contracts are essential.

The contracts are also a fundamental requirement for accreditation purposes. Section 1(3) of the Local Authorities (Goods and Services Act) 1970 applies to the provision of a professional or technical service and for the purposes of policing this service is provided under Section 15 of the Police Reform and Social Responsibility Act 2011. The total cost of the provision of this service exceeds the £500k delegated authority level, of the MOPAC Scheme of Consent and Delegation, and therefore requires Deputy Mayoral approval. The service is being provided to another Crown Agent and will be passed on at cost.

¹ [Police and crime plan: a safer city for all Londoners | London City Hall](#)

Negotiations are ongoing to ensure a compliant agreement is put in place to cover the provision of this service, and as such, no income has yet been received, including the historic set up costs of £428,624.53 for 2017-18.

Financial Considerations

The successful delivery of the interim solution will require the following resources:

To complete phase 1-5*, 16 technical staff will be required, (1 V-band, 1 N band, 7 P-bands and 7 E-bands), with a total cost of **£743,907 per year**. This requirement will be reviewed upon completion of each phase and if resources are insufficient further implementation of stages will be paused (this will be driven by operations group). It is anticipated that the E-band staff will be recruited in to F-band positions, and will transfer to E-bands once training has been completed (this is anticipated to occur within 6-12 months), in accordance with MPS competency policy. This will mean graduates can be recruited to fill these roles with no previous laboratory employment experience, and ensure the UK forensic market place is not severely affected. **In total 16 technical staff will be recruited for a 3 year fixed term contract.**

Legal Comments

4. S15 of the Police Reform and Social Responsibility Act 2011, allows MOPAC, as the governing body, to provide a service to a third party.

The MOPAC Scheme of Consent and Delegation at Clause 4.8. Requires the Deputy Mayor for Policing and Crime to approve all requests for the provision of services to other organisations for £500k and above.

The approval will be documented by way of a S15 Provision of Services agreement to formalise the arrangement.

DLS have approved the legal position above which is based on previous advice to the MET Third party Contract Team.

Equality Comments

5. As this is an extension of an existing service this work does not change any aspects relating to equality or diversity.

Privacy Comments

6. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.

Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements

A DPIA is being completed for this project. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with GDPR. DPIAs support the accountability principle, as they will ensure the MPS complies with the requirements of GDPR and they demonstrate that appropriate measures have been taken to ensure compliance.

Real Estate Implications

7. As this is utilising existing facilities there are no real estate implications

Environmental Implications

8. There are no environmental implications to report.

Background/supporting papers

9. Please see attached papers in Part 2

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:

OFFICIAL-SENSITIVE [OPERATIONAL]

Part 2 of Business Justification Paper – Forensic Services Backlog Recovery Plan is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
- The relevant sections under the FOIA that would exempt this information from disclosure, for example:
 - Data Protection Section 40,
 - Commercial Interest Section 43

The paper will cease to be exempt after the managed service provider contracts cease to exist from 2026.