

## REQUEST FOR DMPC DECISION – PCD 346

**Title: Exchange of Biometric Data across Europe - the Prüm Arrangements**

### Executive Summary:

The Prüm arrangements 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 Metropolitan Police Service Forensic Services was commissioned to undertake the pilot.

The Home Office are now looking for the Metropolitan Police Service to confirm that the Prüm DNA technical solution is deliverable in advance of key meetings and agreement by the UK parliament and European Commission to full implementation.

The procurement of remaining requirements for the case management solution is planned to be sourced through Eurofins, the MPS Managed Service Provider.

### Recommendation:

The Deputy Mayor for Policing and Crime is requested to approve the following:

- To let two contracts with Eurofins (who will sub-contract to Labware for the services required). This is based on commercial advice received.
  - The first contract will contain requirements to complete the remaining development work for IDRIS to enable the Metropolitan Police Service to provide reassurance to Home Office and European colleagues of the technical capability within the UK. It is anticipated that the cost for this will be circa £36,000 - this will include development and transfer to the production environment, and transfer of knowledge to Eurofins development team.
  - The second contract (directly with Eurofins) will be for licensing, on-going software support and maintenance. It is envisaged this will circa £22,000 per year. This cost is yet to be finalised. On-going and support charges will be made available via a different contract and will be compliant with Metropolitan Police Service governance protocols.

And to note:

- All development work and transfer to the production environment needs to be completed by 31st March 2018 (at the latest), due to Home Office Budgetary allocations which cannot be transferred to the following financial year.
- In addition the Home Office have agreed to cover the development costs incurred in 2017-18, estimated at £425k which previous commercial advice was to agree a Provision of Goods and Services Agreement, pursuant to Section 15 of the Police Reform and Social Responsibility Act 2011. Under MOPAC Scheme of Consent and 454555 Delegation, Commercial Director of the Third Party Contracts Team, has delegated authority to sign agreements under £500k.

**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**

*Spence Warden*

**Date**

*5/3/18*

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

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. Metropolitan Police Service Forensic Services have maintained the Prüm DNA technical solution that was used in the Prüm Style Pilot and through the OMM2020 Foresite Programme utilised the Labware COTS product to develop a case management solution for Prüm DNA exchange. Unfortunately, the Foresite Programme has gone into exception and it will not be able to complete development of the case management system.
- 1.2. Alternative arrangements have been identified to source this software through Eurofins the MPS Managed Service Provider who use the Labware product across their business and have a support team of eight staff for their Labware application.

#### **2. Issues for consideration**

- 2.1. The Metropolitan Police Service have all the elements of the Prüm DNA technical solution in place except the case management and work flow capability. This has been developed using the Labware software that is to be used for case management across all Metropolitan Police Service Forensic Services as part of the Foresite programme. The case management and work flow capability will be delivered through a module of the overall Labware solution. The Foresite programme is currently in exception and will not deliver this solution in the timescales required by the Home Office.
- 2.2. It has therefore been agreed to explore a commercial route through Eurofins to access the critical case management software to bring the Prüm DNA technical solution fully on-line, effectively decoupling the Prüm Labware module from the Metropolitan Police Service Foresite programme.
- 2.3. This decision was based upon the critical dates for delivery of this national project and given Eurofins have in-depth knowledge of development and maintaining Labware products, in addition to the fact that Eurofins are our existing Managed Service Supplier.

#### **3. Financial Comments**

- 3.1. The costs of £36k in 2017/18 to complete the remaining development work for IDRIS are recoverable from the Home Office.
- 3.2. There is also a £22k p.a. cost for licensing, on-going software support and maintenance when live.
- 3.3. In addition the Home Office have agreed to cover the development costs incurred in 2017-18, estimated at £425k, giving a total cost recovery from the Home Office of £461k in 2017-18.

#### **4. Legal Comments**

- 4.1. Metropolitan Police Service Legal Services are fully engaged and these procurements. The acquisition of the solution is legally compliant.

#### **5. Equality Comments**

- 5.1. This is a Home Office project and there is a PIA (Privacy Impact Assessment) the project board has representation from Bio Commissioner, Information Commissioner, there will be an oversight board as agreed in the Parliamentary debate (Hansard).

#### **6. Background/supporting papers**

- 6.1. 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

The reason why Part 2 is exempt from publication: Section 31 Law Enforcement, Section 43 Commercial Interests and Section 40 Personal Information

The date at which part 2 will cease to be confidential: N/A

**ORIGINATING OFFICER DECLARATION**

	<i>Tick to confirm statement (✓)</i>
<b>Head of Unit:</b> The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
<b>Legal Advice:</b> The MPS legal team has been consulted on the proposal.	✓
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓

**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 *28/02/18*

## Exchange of Biometric Data across Europe - the Prüm Arrangements

21<sup>st</sup> February 2018

### Report by Gary Pugh Director Forensic Services

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 MPS have all the elements of the Prüm DNA technical solution in place except the case management and work flow capability. This has been developed using the Labware software that is to be used for case management across all MPS Forensic Services as part of the Foresite programme. The case management and work flow capability will be delivered through a module of the overall Labware solution, this module has been configured and has part completed UAT. The Foresite programme is currently in exception and cannot complete the two further changes prior to completion of UAT and introduction into live service.

An internal "Front Door" meeting has taken place involving OMM2020, Commercial, Finance, Digital Policing, Design Authority and Forensic Services about the Labware case management software that will be part of the Prüm Technical solution delivered by the MPS. It supported exploring a commercial route through Eurofins to access the critical case management software to bring our Prüm DNA technical solution fully on-line, effectively de-coupling the Prüm Labware module from the MPS Foresite programme that is in exception and will not deliver this solution in the timescales required by the Home Office.

This decision was based upon the critical dates for delivery of this national project and given Eurofins have in-depth knowledge of development and maintaining Labware products, in addition to the fact that Eurofins are our existing Managed Service Supplier under contract SS31502A.

## A. RECOMMENDATIONS

The Deputy Mayor for Policing and Crime is recommended to approve the following:

- To let two contracts with Eurofins (who will sub-contract to Labware for the services required). This is based on commercial advice received.
  - The first contract will contain requirements to complete the remaining development work for IDRIS to enable the Metropolitan Police Service to provide reassurance to Home Office and European colleagues of the technical capability within the UK. It is anticipated that the cost for this will be circa £36,000- this will include development and transfer to the production environment, and transfer of knowledge to Eurofins development team.
  - The second contract (directly with Eurofins) will be for licensing, on-going software support and maintenance. It is envisaged this will circa £22,000 per year. This cost is yet

## Not Protectively Marked

to be finalised. On-going and support charges will be made available via a different contract and will be compliant with Metropolitan Police Service governance protocols.

And to note:

- All development work and transfer to the production environment needs to be completed by 31st March 2018 (at the latest), due to Home Office Budgetary allocations which cannot be transferred to the following financial year.  
In addition the Home Office have agreed to cover the development costs incurred in 2017-18, estimated at £425k which previous commercial advice was to agree a Provision of Goods and Services Agreement, pursuant to Section 15 of the Police Reform and Social Responsibility Act 2011. Under MOPAC Scheme of Consent and 454555 Delegation, Commercial Director of the Third Party Contracts Team, has delegated authority to sign agreements under £500k.

**Time Sensitivity - Please Note the Home Office need to action any Financial processes by the 5<sup>th</sup> March.**

## B. SUPPORTING INFORMATION

1. At this point the Home Office are looking for the MPS to confirm that the Prüm DNA technical solution is deliverable in advance of key meetings and agreement by the UK parliament and European Commission to full implementation. MPS Forensic Services have maintained the Prüm DNA technical solution that was used in the Prüm Style Pilot and through the OMM2020 Foresite Programme utilised the Labware COTS product to develop a case management solution for Prüm DNA exchange. Unfortunately, the Foresite Programme has gone into exception and it will not be able to complete development of the case management system.

Alternative arrangements have been identified to source this software through Eurofins the MPS Managed Service Provider who use the Labware product across their business and have a support team of eight staff for their Labware application.

2. Having found an alternative the case management module within the Prüm DNA technical solution has been de-coupled from the OMM2020 Foresite Programme. This has necessitated establishing a separate commercial relationship with Eurofins to deliver the Labware case management module and this is being put in place by commercial services following agreement at the "Front Door" process in OMM2020. All cost associated with this are recoverable from the Home Office and completion of the Labware case management element will be £36k. In addition the Home Office have agreed to cover the development costs incurred in 2017-18, estimated at £425k, giving a total cost recovery from the Home Office of £461k in 2017-18.
3. If there is agreement to implement Prüm DNA searching by the UK parliament and the European Commission, MPS Forensic Services will need to increase capacity to undertake DNA match validation. The full scale of this will be determined by the volumes and rollout schedule, and will be the subject of a separate Service Agreement and tranche of Home Office funding

## C. OTHER ORGANISATIONAL & COMMUNITY IMPLICATIONS

**Equality and Diversity Impact (mandatory)**

**Not Protectively Marked**

1. This is a Home Office project and there is a PIA (Privacy Impact Assessment) the project board has representation from Bio Commissioner, Information Commissioner, there will be an oversight board as agreed in the Parliamentary debate (Hansard).
2. MPS Legal and Data protection leads are fully engaged in the project.

**Financial Implications / Value for Money (mandatory)**

1. Yes this solution has multi use ( Covert, CT & Prum )
2. We have confirmation that Labware are honouring the original Forsite quotes.
3. Confirmed in original Tender process.

**Legal Implications (mandatory)**

1. Prüm decisions 2008/615/JHA and 2008/616/JHA and Framework decision 2009/905/JHA.
2. MPS DLS & Home Office Legal services fully engaged in project.

**Consultation undertaken (mandatory)**

1. Internal discussions have concluded with OMM2020 'front door' process chaired by Alison Newcomb. The process involved engagement with colleagues from MPS Commercial services, Finance, Digital Policing, Design Authority and Forensic Services. The 'Front door' process panel considered the acquisition of Labware case management software that will be part of the Prum Technical solution delivered by the MPS. Agreement was given for the MPS to set up a commercial route through Eurofins to access the critical case management software to bring our Prüm DNA technical solution fully on-line, effectively de-coupling the Prüm Labware module from the MPS Foresite programme.
2. All cost associated with this are recoverable from the Home Office and completion of the development of the Labware case management element will be £36k. In addition the Home Office have agreed to cover the development costs incurred in 2017-18, estimated at £425k, giving a total cost recovery from the Home Office of £461k in 2017-18.

**Consultation Grid**

<b>Key stakeholder engagement (up to what level)</b>	<b>Supportive / Supportive with concerns / Not supportive / Not affected</b>
Tony Horsley – MPS Commercial Director 3 <sup>rd</sup> party Contracts	Supportive
David Collins - Home Office Finance Director	Supportive
Please see above (At point 1)	Supportive

**Risk (including Health and Safety) Implications (mandatory)**

**Not Protectively Marked**

1. The UK are currently engaged with EU colleagues to seek approval for commencement of Prum exchange. It is not guaranteed that the UK will achieve the Government's target of going live with DNA exchange before Brexit in 29 March 2019. I fully accept that the next steps as described in attached briefing note, will need be considered and agreed through all of the appropriate governance in the MPS and MOPAC

**Real Estate and Environmental Implications (if relevant to the subject)**

1. None anticipated.

**Report authors:** Yvonne Gallagher – Head of Fingerprints/ Prum Lead 07900 162238  
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**Background papers:**

**PART 2: EXEMPT SECTION OF THE REPORT**



Forensic Services  
PIB Briefing on Prun

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