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Section 1; Chairperson’s Foreword

I am very happy to present to the Minister for Justice the Annual Report of the DNA Database System Oversight Committee (the Committee) for the year ended 31st December 2021.

Part 9 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (the Act) comprising Sections 71-74, inclusive, provides inter alia, for the establishment of the Committee in order to perform the functions assigned to it by the Act. The functions are set out in Section 72 and include the provision that the Committee shall oversee the management and operation of the DNA Database System for the purposes of maintaining the integrity and security of the System and for that purpose to satisfy itself that the provisions of the Act in relation to the System are being complied with. Details of the functions of the Committee are to be found in Section 5 of this report.

The Committee held 6 meetings in the course of 2021 which sought to address the requirements of Section 72 of the Act. Meetings were held on; 09th February 2021, 13th April 2021, 30th June 2021, 21st September 2021, 26th October 2021 and 14th December 2021. Sadly all meetings took place via Zoom due to the restrictions brought about by the COVID-19 pandemic.

The Committee is of the view that the operation of the DNA Database System continues to be very successful due in large part to the hard work and professionalism of the Director and staff of Forensic Science Ireland (FSI) and the staff of the National Forensic Coordination Office (NFCO)(a section of the Garda National Technical Bureau) notwithstanding the significant challenges presented to both bodies by the pandemic.

In the course of 2021 the number of persons’ profiles on the DNA Database System increased by 20% and the number of crime stains on the DNA Database increased by 16.7%. In the course of the year the DNA Database System identified 759 hits, thereby providing assistance in 920 cases.
In October 2021, the Committee met, via Zoom, with members of the NFCO to consider, discuss, clarify and exchange views on matters of mutual interest and concern.

On behalf of the Committee, I should like to thank the Detective Chief Superintendent, the Detective Superintendent and the staff of NFCO for their assistance and support to the Committee over the course of the year. Throughout 2021 the Committee and NFCO continued to foster a positive working relationship. NFCO provided regular statistical update reports to the Committee, in advance of each Committee meeting, which contributed to the work of the Committee in a very constructive way.

In December 2021 the Committee met, via Zoom, with Garda Commissioner Harris and Detective Chief Superintendent Cleary, again, to consider, discuss, clarify and exchange views in relation to relevant issues of mutual concern. This meeting also contributed to the work of the Committee in a very positive way and the Committee wishes to express appreciation to both the Garda Commissioner and the Detective Chief Superintendent.

The continuing engagement with An Garda Síochána (AGS) and NFCO has been positive and constructive and is of undoubted benefit to all parties.

On behalf of the Committee, I should like to thank also the Director and staff of FSI for their continued assistance and support to the Committee and to me personally throughout the year. The work of the Committee would not be possible without the cooperation and commitment of the Director and his staff. The regular statistical information and analysis in respect of the DNA Database and in relation to the operation and developments in respect of the Prüm Treaty, which are provided by the Director to the Committee, are invaluable.

The Committee is very pleased to note the progress in relation to the construction of FSI’s new laboratory facilities at Backweston, Celbridge, Co. Kildare. This project is being overseen by the Office of Public Works (OPW) and construction is due to be completed in Summer of 2022, although the commissioning process will take some further months. The fact that this project remains set to be completed on schedule and within budget, as at 31st December 2021 is a significant achievement, due in no small part to the commitment, dedication and tenacity of the OPW and of the Director of FSI and his staff.
The Committee believes that the transfer of FSI operations to the new facility at Backweston will have very positive implications for the DNA Database System.

Due to the continuance of restrictions resulting from the COVID-19 pandemic, it was not possible for the Committee to visit, in person, the FSI facilities at Garda Headquarters, as had been the practice in other years. This means in effect that it is now two years since such a visit took place because the COVID-19 pandemic restrictions prevented any physical visits in 2020. The members of the Committee look forward to resuming this practice as soon as the easing of pandemic restrictions allow such a visit.

Issues which continue to be kept under active review by the Committee, as at 31st December 2021, relate to;

- The robustness and security of FSI’s Information Technology Hardware and Systems, which are central to the successful and safe functioning of the DNA Database System and its essential role in the overall Criminal Justice system.
- The current operations of Sections 41 and 42 of the Act of 2014 which relate to the taking of samples from AGS personnel for Elimination (Garda Síochána and Crime Scene Investigation) Indices.
- The current operations of Section 31 of the Act of 2014 which relates to the taking of samples from Convicted Offenders who are serving prison sentences.
- Ongoing levels of non-submission of samples within specific regional divisions.

These issues will be more fully addressed within the body of this report.

To an ever increasing extent the development and success of our Criminal Justice system is dependent on the effectiveness and integrity of the DNA Database System and on the ability of the appropriate staff members to be in a position to respond in a timely and professional manner to the requirements of Criminal Justice investigators.

At this point, I should like to express my thanks to Deirdre Duffy, B.L. who resigned from the Committee at the end of February 2021. Ms. Duffy had been a member of the Committee since the enactment of the Act of 2014. During her time on the Committee Ms. Duffy made
significant contributions on a wide range of issues but most particularly in the area of human rights where she had specific expertise. Her work as a member of the Committee was of notable value.

As at 31st December 2021 no appointment has been made to fill Ms. Duffy’s seat on the Committee.

I should like to thank also my fellow Committee members for their continuing hard work and for their outstanding commitment to maintaining the integrity and security of the DNA Database System.

The Committee is satisfied with the operation of the DNA Database System and its benefits to the investigation of crime and looks forward to continuing its work in relation to the overseeing of the management and operation of the DNA Database System.

Judge Catherine A Murphy
Section 2; Members of the Committee

Her Honour Judge Catherine Murphy, Chairperson

Ms. Deirdre Duffy, B.L. (Resigned from Committee 26th February 2021)

Mr. Chris Enright, Director General, FSI

Mr. John O’Dwyer, Deputy Data Protection Commissioner

Mr. Thomas Anthony Quilter, Former Assistant Garda Commissioner and Former Head of Garda Technical Bureau

Dr. Maureen Smyth, Former Director of DNA in FSI
Section 3; Overview of Forensic Science Ireland

Forensic Science Ireland (FSI) is an associated office of the Department of Justice. FSI works to deliver, to best international standards, comprehensive scientific analysis and independent expert opinion, advice and training to support the Irish Criminal Justice system. Originally known as the Forensic Science Laboratory, FSI was established in 1975 to provide a scientific service to the Criminal Justice System by analysing samples submitted from crime scenes and providing expert evidence in criminal trials. In June 2014, the scope of FSI was extended under the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. Under the Act of 2014, FSI is named as the custodian of the DNA Database and was renamed from Forensic Science Laboratory to Forensic Science Ireland to recognise this broader remit.

In December 2019, the responsibility for the Fingerprints and Documents and Handwriting services transferred from the Garda National Technical Bureau to FSI. This consolidates most laboratory-based forensic work under FSI. FSI currently has 200 staff, including seconded Garda members, scientists and analysts trained in forensic testing and reporting techniques, supported by administration professionals.

Applying DNA technology, FSI contributes to the investigation of a range of crime types including crimes of violence and sexual assault. This technology, along with other forms of trace evidence e.g. paint, glass, textile fibres, is also utilised in cases such as burglaries, robberies, firearms and supply of illegal drugs. Case submissions into FSI were in excess of 25,600 in 2021 – an increase of 55% compared to 2018. This does not include biometric reference samples such as DNA FTA samples and Fingerprint PC65 samples. FSI issued in excess of 23,800 forensic reports in 2021 – an increase of 85% compared to 2018. This increase is due to the dramatic growth in DNA services provided over the period (increased by 54%), growth in the number of drugs reports issued (increased by 35%) and the integration of Fingerprint and Documents & Handwriting investigations into FSI.
FSI is currently based in Garda Headquarters in the Phoenix Park. Overseen by OPW, the construction of a new purpose-built forensic facility at The Backweston Campus in County Kildare commenced in March 2020 and is currently nearing completion. Following substantial completion of the building, FSI will complete the fit-out, deep-clean and commence the commissioning and validation of instrumentation. FSI is planning to have the new location accredited and issue the first accredited forensic reports (non-DNA) by the end of 2022. The transition to the new building will occur on a phased basis so that FSI maintains service delivery from current locations, while accreditation is being attained for all forensic services at the new location. The transition is expected to be completed by Summer 2023.

The Prüm Treaty was established in 2005 to step up cross-border cooperation between EU Member States, particularly in combatting terrorism, cross-border crime and illegal migration. Under Prüm, Member States have an obligation to grant one another automated access rights to suspect and crime stain DNA profiles within their national DNA Databases. The Prüm Treaty also applies to the exchange of fingerprint and vehicle registration data. Details for Prüm sharing are outlined in EU Treaty Council Decision 2008/615/JHA of the 23rd June 2008 and Council Decision 2008/616/JHA of the 23rd June 2008. Each nation involved in sharing of DNA information has a single, centralised National Contact Point (NCP), which in Ireland is FSI. In October 2019, the Prüm data exchange went live with Austria. By the end of 2021 live data exchange was expanded to 10 further countries (Latvia, Netherlands, United Kingdom, Slovakia, Poland, Sweden, Estonia, Malta, Germany and France) with further expansion planned for 2022.

FSI is a founding member of the European Network of Forensic Science Institutes (ENFSI), as well as the Association of Forensic Service Providers (AFSP). These organisations are focused on developing and sharing best international forensic practices and research within its members. Staff of FSI are active on all the relevant ENFSI and AFSP working groups. This international engagement is important in ensuring that expert evidence presented is grounded in the most recent scientific research and best international practice.

FSI is accredited according to ISO 17025: 2017 and holds a Gold ‘Excellence Through People’ certification.
Section 4: Governance

The DNA Database System Oversight Committee is independent in the performance of its functions and in accordance with schedule 1 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (The Act of 2014) and the provisions of the Act, the Committee regulates its own procedures. The Committee acts at all times in accordance with the best interests of and for the integrity of the DNA Database System.

The terms of membership of the Committee are set out within Schedule 1 of the Act of 2014. The Minister for Justice is responsible for the selection process of members to the Committee and thus appointments to the Committee are in line with Department of Justice practices, having regard to promotion of gender balance, diversity and inclusion.

In accordance with schedule 1 of the Act of 2014, the Committee holds as many meetings as are necessary for the performance of its functions and makes such arrangements as are appropriate for the conduct of its meetings. The Committee held six meetings in the course of 2021. All meetings were held via Zoom due to COVID-19 Restrictions. A record of the dates of the meetings and a record of Committee attendance at the meetings can be seen in the below table.

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<tr>
<th></th>
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</tr>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

*Table 1* Each Committee member is represented by their initials. Y indicates attendance at meeting. N indicates absence from meeting. N/A indicates Not Applicable.

The Committee met with members of NFCO, via Zoom, during the October meeting.

The Committee met with Garda Commissioner Harris and with Detective Chief Superintendent Cleary, via Zoom, during the December meeting.
Section 5: Functions of the Committee

Section 71 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 provides for the establishment of the DNA Database System Oversight Committee (in the Act referred to as “the Committee”) to perform a range of functions assigned to such Committee by the Act.

Section 72(1) of the Act provides that the Committee shall oversee the management and operation of the DNA Database System for the purposes of maintaining the integrity and security of the System and shall for those purposes, satisfy itself that the provisions of the Act of 2014, in relation to the System are being complied with.

Section 72(2) subsection (a)-(g) inclusive provide that, without prejudice to the generality of subsection (1), the Committee shall oversee-

a) the arrangements employed by the Director of FSI in relation to the receipt, handling, transmission and storage of samples taken under this Act for the purpose of generating DNA profiles for entry in the DNA Database System,

b) the procedures employed by the Director of FSI in relation to the generation of DNA profiles from the samples taken under this Act, and the quality control and quality assurance of those procedures, to ensure that they comply with international best practice,

c) the measures employed by the Director of FSI to ensure that the DNA Database System is not improperly accessed by any person, that the DNA profiles and information entered in the System are used only for the purposes permitted by this Act and that they are not improperly disclosed to any person,

d) the means by which the results of searches of the DNA Database System are reported by the Director of FSI to the Garda Síochána, the Ombudsman Commission or a coroner, as may be appropriate,

e) the practices and procedures employed by the Director of FSI to ensure that samples taken under this Act for the purpose of generating DNA profiles for entry in the DNA Database System are destroyed, and the DNA profiles generated from those samples are removed from that System, in accordance with Part 10 of the Act.

f) the practices and procedures employed by the Director of FSI in the operation of Chapters 2 and 7 of Part 12 of the Act, and

g) The practices and procedures employed by the Director of FSI in the operation of section 4 of the Act.
Section 6; Work of the Oversight Committee

The Committee held six meetings over the course of 2021, all held remotely, via Zoom, due to the pandemic restrictions.

At each meeting, standard items on the agenda included the following:

- Security and IT Security
- Statistics from NFCO
- Statistics from FSI
- Updates on Prüm
- Updates on the construction of the new facility at Backweston
- Data protection and GDPR
- Compliance with Sections 41 and 42 of the Act of 2014

Security

The issue of security in general and, in particular relating to FSI’s Information Technology infrastructure and systems, in the context of the anticipated domain collapse of the FSI Information Technology domain into the Department of Justice domain, remained a priority item for the Committee throughout 2021 and indeed remains so. It had been planned and expected that the domain collapse would have been completed prior to the end of 2021. The Committee had previously requested that independent security penetration testing of the system be completed following this domain collapse. As at 31st December 2021 neither the domain collapse nor the security testing has been achieved. It is acknowledged that this undertaking is one of immense complexity and involves a very large body of work. The commitment of both the Director and staff of FSI and their counterpart unit in the Department of Justice for the successful and timely completion of this project has been outstanding. Nevertheless, it is disappointing that as at 31st December 2021 the completion of the domain collapse has not been achieved, particularly having regard to the imminent transition of FSI to the new facility at Backweston in mid-Summer 2022.

This matter will remain a key focus for the Committee in 2022.
Significant work was also carried out in relation to security systems generally in the context of the requirement of some staff members of FSI to occasionally work remotely to comply with physical distancing requirements in the workplace. Extensive work has also been carried out in relation to designing a ICT roadmap for a satisfactory transition to the new facility at Backweston in 2022.

**Statistics from NFCO**

Throughout 2021, NFCO continued to provide to the Committee, in advance of each meeting statistical update reports and analyses in relation to DNA samples and records (with particular reference to non-submitted samples), which have been of significant value to the work of the Committee. While some concerns remain to be addressed measures have been taken and procedures have been introduced and implemented by AGS and NFCO which have had a noteworthy impact on the majority of Garda Divisions. Nonetheless there remain issues of concern in respect of a small number of Divisions regarding their levels of non-submissions and this matter will remain under review by the Committee.

The Committee would like to commend AGS and NFCO for their work in this area and to thank NFCO in particular for their valuable update reports and support.

**Statistics from FSI**

Throughout 2021, at each meeting, detailed statistical information was provided to the Committee by the Director and staff of FSI with regard to the operation of the DNA Database, including the number of samples taken, the Sections of the Act of 2014 under which the samples are taken, the numbers of samples and DNA profiles which were destroyed/removed, together with a breakdown of the number and category of cases to which the assistance of DNA matches contributed. Such reports require careful and detailed analysis on the part of the staff of FSI and to them, the appreciation of the Committee must be expressed. Again their work is of immense value to the work of the Committee.

As at 31st December 2021 there were 58,703 DNA profiles on the National DNA Database (The total at the end of 2020 was: 49,369). As at 31st December 2021 there were 43,471
DNA profiles on the Reference Index (The total at the end of 2020 was 36,196). In total 920 investigations were assisted by the Database in 2021.

**Prüm**

As at 31\textsuperscript{st} December 2021 FSI was sharing DNA Data with 11 countries under the Prüm data exchange agreement.

<table>
<thead>
<tr>
<th>Country</th>
<th>Date DNA Data Exchange with Ireland Began</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>2/10/2019</td>
</tr>
<tr>
<td>Netherlands</td>
<td>7/2/2020</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>19/03/2020</td>
</tr>
<tr>
<td>Latvia</td>
<td>19/08/2020</td>
</tr>
<tr>
<td>Slovakia</td>
<td>11/11/2020</td>
</tr>
<tr>
<td>Poland</td>
<td>27/11/2020</td>
</tr>
<tr>
<td>Sweden</td>
<td>30/11/2020</td>
</tr>
<tr>
<td>Estonia</td>
<td>4/12/2020</td>
</tr>
<tr>
<td>Malta</td>
<td>17/03/2021</td>
</tr>
<tr>
<td>Germany</td>
<td>30/04/2021</td>
</tr>
<tr>
<td>France</td>
<td>06/08/2021</td>
</tr>
</tbody>
</table>

*Table 2*

The results from the sharing of DNA Data have been mutually positive for all participants. In particular the sharing of Data with the United Kingdom has yielded significant results.

Discussions have commenced with Portugal, Croatia, and Finland but further expansion will await the forthcoming upgrade to CODIS 9.

[CODIS is the acronym for the Combined DNA Index System – the database application for Ireland’s and more than 50 other national databases. The software was developed by the Federal Bureau of Investigation and is maintained and improved by them and released to authorised national users in official, periodic releases.]
**Backweston**

As at 31st December 2021 the construction of the new FSI facility at Backweston continues to make excellent progress with anticipated completion both on schedule and within budget for mid-Summer 2022. Such progress, given the widespread restrictions resulting from the COVID-19 pandemic and industry challenges in shortage of materials, speaks notably to the commitment and drive of the Director and staff of FSI and the OPW.

Although the physical handover takes place in Summer 2022 it is anticipated that the commissioning period will take some months.

**Data Protection and GDPR**

At each meeting Data Protection and GDPR implications were discussed and no significant concerns were noted.

**Section 41 and 42 of the Act of 2014**

The operations of Sections 41 and 42 of the Act of 2014 were kept under review. It was noted that there had been significant disruption in the taking of samples from Garda recruits/newly appointed members of AGS as a result of the COVID-19 pandemic. This issue was discussed at some length with Garda Commissioner Harris and Detective Chief Superintendent Cleary when the Committee met with them in December and concerns were expressed that the taking of samples should resume at the earliest opportunity. It was noted that a Protocol is in final stages of completion in relation to this issue as at 31st December 2021. The matter will remain under review.
**Section 31 of the Act of 2014**

In the course of the year the attention of the Committee was drawn to the provisions of Section 31 of the Act of 2014 which relates to the taking of DNA samples from convicted offenders who are serving prison sentences and to whom the provisions of Part 4 of the Act of 2014 apply. The Committee is of the view that the issue of taking samples from convicted offenders under Section 31 of the Act of 2014 is for the purposes of populating the Reference Index of the DNA Database System. It is a matter therefore that relates to the maintenance of the integrity of the System and is a matter for the Committee to review.

The Committee wrote to the Director General of the Irish Prison Service (IPS) in May and in June 2021 seeking clarification as to the current policies, protocols and practices within the IPS in this regard. The Director General of IPS has acknowledged IPS’s obligations to take samples from prisoners detained under the relevant sections of the Act of 2014. She confirmed also that after the commencement of the Act of 2014 IPS put in place procedures and systems to commence the appropriate collection of samples. The collection of samples was commenced by members of the IPS Operational Support Group (OSG) who were assigned responsibility for the collection of the DNA samples and who had received training in this regard from FSI, in late 2015 and trained staff continued to collect DNA samples until early 2020 when the taking of samples ceased due to the emergence of COVID-19.

In her letter of response, the Director General referred to these matters and confirmed that the relevant policies and practices are under review and are receiving her attention.

As at 31st December 2021 the Committee continues to have this matter under active review.
Section 7: Findings of the Committee

1. It is the view of each member of the Committee that the importance of the DNA Database System cannot be overstated and that it is essential at all times to maintain and safeguard its integrity and efficiency. To an ever increasing extent, the Criminal Justice system in Ireland is dependent on the work of the DNA Database System in both the investigation and prosecution of serious crime. The Committee is cognisant of its responsibilities under the Act of 2014 and is committed to carrying out its statutory obligations to the best of its ability.

2. Findings to date highlight the value of the DNA Database System to fighting crime. The Database is populated with samples taken from persons suspected or convicted of serious crime and from crime scenes. The number of DNA profiles on the National DNA Database as at 31st December 2021 is 58,703. This figure consists of 43,471 profiles on the Reference Index (which includes the Suspect Known, Convicted Offenders and Section 28 Volunteers specimen categories); 9,727 profiles on the Crime Stain Index (which includes the Forensic Known, Forensic Unknown, Forensic Mixture and STR mix specimen categories); 4,559 profiles on the Elimination Index (which includes FSI, Garda, Garda CSI, GSOC and Section 44 Prescribed Person specimen categories); and 946 profiles on the Identification Index (which includes profiles from missing person, unidentified human remains and relatives categories).

The Reference Index increased from 36,196 profiles at the end of 2020 to 43,471 at the end of 2021. This figure takes account of the DNA profiles deleted in compliance with the provisions of the Act of 2014 over this period. During 2021, 11,402 samples were destroyed and 5,671 profiles were removed from the Database.

Two potential matches can occur when an additional profile is added to the Database – a crime stain can match another crime stain, suggesting a link between crimes; or the crime stain can match to a person suggesting a link between the person and the crime. Overall the DNA Database identified 759 hits in 2021 and assisted in 920 investigations.
The crime solving capacity of the DNA Database continues to grow and as at end 2021, 48 out of every 100 Crime Scene samples will be linked to a person.

3. The Committee is satisfied with the management and operation of the DNA Database System with regard to Section 72(2)(a), namely the arrangements employed by the Director of FSI in relation to the receipt, handling, transmission and storage of samples taken under the Act of 2014 for the generating of DNA profiles for entry into the DNA Database System and to Section 72(2)(b), the quality control and quality assurance of the procedures.

The Committee intended to carry out a tour of the FSI facilities during 2021 but this did not prove feasible as a result of the COVID-19 pandemic restrictions. The Committee looks forward to undertaking this tour as soon as practicable.

4. The Committee is satisfied with regard to Section 72(2)(c), namely the measures employed by the Director of FSI to ensure that the DNA Database System is not improperly accessed by any person, that the DNA profiles and information entered in the System are used only for the purposes permitted by the Act of 2014 and that they are not improperly disclosed to any person. The Committee continues to emphasise the importance of the security system as an integral part of the FSI IT programme and the concerns expressed in relation to this matter have been set out in Sections 1 and 6 of this Report.

5. The Committee is satisfied with regard to Section 72(2)(d), namely the means by which the results of the DNA Database System are reported by the Director of FSI to AGS, the Ombudsman Commissioner or a Coroner, as may be appropriate.

6. The Committee is satisfied with regard to Section 72(2)(e) namely the practices and procedures employed by the Director of FSI to ensure that samples taken under the Act of 2014 for the purposes of generating DNA profiles for entry in the DNA Database System are destroyed and that the DNA profiles generated from those samples are removed from that System in accordance with Part 10 of the Act of 2014. Statistics in
relation to this matter were furnished regularly to the Committee in advance of meetings, during 2021.

7. The Committee is satisfied with regard to Section 72(2)(f) and (g), namely, the automated searching for and automated comparison of DNA profiles. Under the Prüm Treaty, a bilateral exchange with Austria has been in place since October 2019. Seven additional countries were added in 2020, Latvia, the Netherlands, United Kingdom, Slovakia, Poland, Sweden and Estonia. A further three countries were added in 2021, Malta, Germany and France. A summary of the automated matches arising in 2021 from the exchange with these countries is presented in Table 3.

There were 877 matches in 2021, taking into consideration the Irish Crime Stain to Prüm person matches; the Prüm Crime Stain to person on Irish Database matches; and the Stain to Stain Prüm matches. To a significant extent the largest proportion of these matches were with the United Kingdom.

[The current bilateral connections with the UK concerning the automated search and comparison of DNA profiles and dactyloscopic data have been established when the UK was still an EU Member State. Within the legal framework of the Trade and Cooperation Agreement (TCA) between the European Union and the United Kingdom of Great Britain and Northern Ireland, Member States may supply DNA and dactyloscopic data to the UK until 30th June 2022, by which point, Member States can opt in to a more permanent exchange. Ireland has opted in to the Council Decision.]

Each hit requires a specific follow-up match report from FSI while any further Investigative work is carried out by Interpol and Mutual Legal Assistance channels.
<table>
<thead>
<tr>
<th>Country</th>
<th>Irish Crime Stain to Prüm Person</th>
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</tr>
<tr>
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<td>12</td>
<td>1</td>
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<tr>
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<td>Malta</td>
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<tr>
<td>Germany</td>
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<td>68</td>
<td>9</td>
</tr>
<tr>
<td>France</td>
<td>16</td>
<td>52</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>484</td>
<td>337</td>
<td>56</td>
</tr>
</tbody>
</table>

*Table 3*

Table 3 demonstrates the importance and effectiveness of the Prüm project moving forward. However, no further countries can be added until the forthcoming upgrade to CODIS 9 has been completed, which is awaiting the success of the domain collapse already referenced earlier in this report. Preliminary discussions have already commenced with Portugal, Croatia and Finland.

8. Regarding the issue of non-submitted samples, highlighted in the Annual Report of 2019 and referenced also in the Annual Report of 2020, the Committee is satisfied that the relevant recommendations which have been implemented have brought about very positive improvements in relation to this issue.

9. Regarding Sections 41 and 42 of the Act of 2014 (the taking of samples from AGS personnel for the Elimination Index, both AGS and Crime Scene Investigators) this matter was raised again in the course of the meeting of the Committee with Garda Commissioner Harris and Detective Chief Superintendent Cleary in December. It is acknowledged that challenges were encountered in relation to this issue in the context of the COVID-19 pandemic restrictions during 2020 and 2021. Nonetheless the issue remains one of concern to the Committee. It was noted in the course of the meeting
that a Protocol in relation to this matter was expected to be finalised within a short period and it is hoped that this will lead to further clarity. The distinction between those members of AGS who were appointed subsequent to the coming into effect of Sections 41 & 42 and those who were already members of AGS at that time was noted. It was also noted that the practice of taking samples from all recruits to the Garda Síochána Training College would be recommenced without delay.

This matter will remain under review by the Committee.

10. Regarding Section 31 of the Act of 2014, the taking of DNA samples from convicted offenders who are serving prison sentences and to whom the provisions of Part 4 of the Act of 2014 applies, the Committee is awaiting further clarification in respect of the policy, practices and procedures of the Irish Prison Service.

This matter will remain under review by the Committee.

11. The new FSI facility at Backweston is due to be completed in mid-Summer 2022. The Committee is satisfied that once completed and commissioned the new laboratory accommodation and facilities will equip FSI to fulfil its important role in accordance with the highest international standards.

12. The Committee is satisfied, as a result of its meeting with members of NFCO in October that the current staffing levels at NFCO are appropriate and are being kept under review.
Appendix A: Section 71-74 Inclusive of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

DNA Database System Oversight Committee

71. (1) Upon the commencement of this section, a committee which shall be known as An Coiste Formhaoirsithe um an gCóras Bunachair Sonraí DNA or, in the English language, as the DNA Database System Oversight Committee (in this Act referred to as “the Committee”) shall stand established to perform the functions assigned to it by this Act.

(2) Subject to this Part, the Committee shall be independent in the performance of its functions.

(3) Schedule 1 shall have effect in relation to the Committee.

Functions of Committee

72. (1) The Committee shall oversee the management and operation of the DNA Database System for the purposes of maintaining the integrity and security of the System and shall, for those purposes, satisfy itself that the provisions of this Act in relation to the System are being complied with.

(2) Without prejudice to the generality of subsection (1), the Committee shall oversee—

(a) the arrangements employed by the Director of FSI in relation to the receipt, handling, transmission and storage of samples taken under this Act for the purpose of generating DNA profiles for entry in the DNA Database System,

(b) the procedures employed by the Director of FSI in relation to the generation of DNA profiles from the samples taken under this Act, and the quality control and quality assurance of those procedures, to ensure that they comply with international best practice,

(c) the measures employed by the Director of FSI to ensure that the DNA Database System is not improperly accessed by any person, that the DNA profiles and information entered in the System are used only for the purposes permitted by this Act and that they are not improperly disclosed to any person,

(d) the means by which the results of searches of the DNA Database System are reported by the Director of FSI to the Garda Síochána, the Ombudsman Commission or a coroner, as may be appropriate,

(e) the practices and procedures employed by the Director of FSI to ensure that samples taken under this Act for the purpose of generating DNA profiles for entry in the DNA
Database System are destroyed, and the DNA profiles generated from those samples are removed from that System, in accordance with Part 10,

(f) the practices and procedures employed by the Director of FSI in the operation of Chapters 2 and 7 of Part 12, and

(g) the practices and procedures employed by the Director of FSI in the operation of section 4.

(3) The Committee shall, in the performance of its functions under subsections (1) and (2), make such recommendations as it considers appropriate in relation to the management and operation of the DNA Database System to the Minister and the Director of FSI, as may be appropriate.

(4) The Committee may, and if so requested by the Minister shall, review any matter relating to the management and operation of the DNA Database System and shall submit a report in writing of any such review to the Minister.

(5) Subject to subsections (6) and (7), the Minister shall, as soon as practicable after receiving a report under subsection (4), cause a copy of it to be laid before each House of the Oireachtas and to be published in such manner as the Minister considers appropriate.

(6) The Minister may, when laying a copy of a report received by him or her under subsection (4) before each House of the Oireachtas or publishing the report, omit any matter from the copy of the report that is so laid or published if he or she is of opinion that the disclosure of the matter—

(a) would be prejudicial to the security of the DNA Database System, the security of the State or the investigation of criminal offences, or

(b) may infringe the constitutional rights of any person.

(7) If a matter is omitted in accordance with subsection (6) from a report received by the Minister under subsection (4), a statement to that effect shall be attached to the copy of the report when it is laid before each House of the Oireachtas or is published.

Cooperation with Committee

73. (1) The Director and the other members of the staff of FSI shall cooperate with the Committee in relation to the performance by the Committee of its functions under this Act.

(2) The Director and the other members of the staff of FSI shall, for the purposes of subsection (1) furnish the Committee with such information as it may request and which, in the opinion of the Committee, is required for the performance of its functions.
(3) The Committee may, whenever it considers it appropriate to do so, request the Garda Síochána and the Ombudsman Commission to furnish information to it that is required for the performance of its functions under this Act.

(4) The Garda Síochána and the Ombudsman Commission shall comply with a request under subsection (3).

(5) Nothing in any other enactment shall prohibit the disclosure of relevant factual information either to or by the Committee.

**Annual report of Committee**

74. (1) The Committee shall as soon as may be, but not later than 6 months, after the end of each year make a report in writing to the Minister regarding the performance by the Committee of the functions assigned to it by this Act during that year.

(2) A report under subsection (1) shall include information in such form and regarding such matters as the Minister may direct.

(3) Subject to subsection (4), the Minister shall, as soon as practicable after receiving a report under this section, cause a copy of it to be laid before each House of the Oireachtas and to be published in such manner as the Minister considers appropriate.

(4) Subsections (6) and (7) of section 72 shall, with any necessary modifications, apply to a report received by the Minister under this section as they apply to a report received by him or her under subsection (4) of that section.

(5) Notwithstanding subsection (1), if, but for this subsection, the first report under this section would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months, after the end of that year.