

Police face legal fury over file of 'innocent' DNA and fingerprints

PLANS to let police retain suspects' fingerprints and DNA samples even if they are later cleared of any crime could be illegal, it was warned yesterday.

The Scottish Executive wants to 'toughen up' existing policy, which only allows the

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retention of samples if the suspect is later convicted.

In England and Wales, DNA profiles have been kept since 2003. Senior police officers here believe a similar scheme would help

identify suspects more efficiently and save money in the long term.

But Scotland's information watchdog warned plans to keep samples from anyone held 'on suspicion of committing an offence punishable by imprisonment' may breach data protection laws.

Ken Macdonald, the assistant Information Commissioner for

Scotland, said: 'This will result in real and ongoing intrusion into the private lives of innocent people.'

A letter from his office in response to a consultation on the plan adds: 'The retention of prints will also promote differences in treatment between innocent people who had contact with the police and those who have not.'

'Thus, it may not satisfy the requirement under the Data Protection Act 1998 that personal data is processed fairly.'

GeneWatch UK, a policy research group concerned with the regulation of genetic technologies, also warned it could exacerbate discrimination against ethnic minorities.

For instance, the English database contains DNA profiles of one third of all black men, compared to just 8 per cent of white.

In its response to the consultation, GeneWatch added: 'The practice of allowing genetic research without consent means that anyone retained on the database loses their right to



Campaign: Shirley McKie lost job

refuse to take part in potentially highly controversial research.

'DNA profiles from Scotland will inevitably be misused in this way.'

Former Strathclyde Police officer Shirley McKie lost her job after the Scottish Criminal Records Office wrongly identified a fingerprint left at a murder scene as hers.

She and her father Iain launched a legal action against the SCRO after an eight-year battle to clear her name. They have also campaigned for improvements in the way fingerprint evidence is handled.

Asked about the new plans, Mr McKie said: 'They have got to sort out their forensic sciences first and satisfy the public they can be trusted. I believe innocent people would suffer and mistakes would be made.'

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