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NOTE

From : General Secretariat
To : Delegations
Subject : DNA compiling of the answers

Delegations will find enclosed a compilation of Member States' replies to the questionnaire on national DNA databases, as drawn up by the Commission services.

As agreed during the meeting of the Ad hoc Group on Information Exchange of 15 May 2006, delegations are invited to check the information contained in this document. Any updates and amendments should be sent to the Council Secretariat (e-mail: guy.stessens@consilium.europa.eu) by 9 June 2006.

DNA DATABASES TO ASSIST WITH CRIMINAL INVESTIGATIONS

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

- 1. DNA databases to assist with criminal investigations** page 4
 - 1.1. Has your country set up a DNA Database?
 - 1.2. Is it a national database or regional databases?
 - 1.3. What is its legal basis?
- 2. Control and access** page 8
 - 2.1. Which authority/department is in charge of its management?
 - 2.2. Who has a right of access to information on the database?
 - 2.3. Is a clearance needed?
 - 2.4. What information do they have access to? page 12
 - 2.5. Who manages the access rights?
- 3. Searching and matching** page 15
 - 3.1. What searches of the database for matching profiles can be requested?
 - 3.2. What searches for matches cannot be carried out?
 - 3.3. Legal conditions required for a search for matches ? page 18
 - 3.3.1. Are there restrictions attached to the type of offence justifying the searching of the database?
 - 3.3.2. Is a legal order of a magistrate necessary?
 - 3.4. What information is provided in the report of a match? page 21
 - 3.5. How many new profiles are searched against your database annually?
- 4. International cooperation** page 24
 - 4.1. Please specify any mention in your legislation for profiles obtained in your country to be compared with profiles obtained in other countries and vice versa?
 - 4.1.1. Can a DNA profile from another EU Member State be compared with your own database?
 - 4.1.2. Can a profile obtained in your country be compared with the databases of other EU Member States?
 - 4.2. Are there any specific restrictions on this comparison of profiles with other EU Member States?
 - 4.3. What information is actually transmitted by your country page 28
 - 4.3.1. When requesting the search of a database from other EU Member State?
 - 4.3.2. If a match is found between a profile from another EU Member State and your DNA database?
 - 4.4. Do you impose restrictions on the use and/or retention of the information you send to other EU Member States?
 - 4.5. Through which channel(s) are requests for international searches usually made? page 31
 - 4.6. Are the requests made through paper-based or electronically?
 - 4.7. What is the annual volume of international database search requests being made by your country to other EU Member States and vice-versa?
- 5. Bilateral agreements** page 34
 - 5.1. Are there specific bilateral cooperation agreements between your country and other(s) EU Member state(s) allowing mutual consultation of your DNA databases and/or the exchange of profiles?
 - 5.2. If so, specify the main provisions of these agreements
- 6. Technical architecture of your national database** page 37
 - 6.1. Describe the structure of your database.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

- 6.2. How are the searches conducted?
- 6.3. What types of classifications do you use for the records? page 39
- 6.4. What DNA markers do you use in casework and on your DNA Database?
- 6.5. How are these markers ordered on your DNA Database? page 42
- 6.6. How long does each search of your database take?
- 6.7. Please identify the number of searches per time ratio that your database is able to deal with
- 7. **Please designate a contact point (French or English speaking) for any further requests for information** page 44

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 1	<i>DNA databases to assist with criminal investigations</i>		
	1.1 Has your country set up a DNA Database?	1.2 Is it a national database or regional databases?	1.3 What is its legal basis?
Austria	Yes	National	Austrian Federal law regarding the organisation of the (internal) security management and the practice of the state police (state police law – SPG), BGBl No. 566/1991 as published in BGBl. I No. 151/2004 ¹
Belgium	Yes There are two databases <ul style="list-style-type: none"> – the base "Forensic" contains exclusively the profiles obtained from samples discovered (i.e. litigious traces) for the identification of persons directly or indirectly concerned with an infringement. Nevertheless, under certain conditions, the reference profiles (established from what the law calls "taken samples") can be compared with this base, but are not kept; – the base "Convicted" concerns persons who, having committed one or more of the following infringements, are sentenced to an imprisonment or against which an internment measure was pronounced definitively. This involves infringements against dignity and person's life: crimes relating to the hostages' taking, attack to decency and rape, murder, homicide and voluntary bodily lesions, theft with violence, fire having involved wounds or death. 	National	Law of 22 March 1999 concerning the identification procedure by DNA analysis in penal matters. Publication: on 20 May 1999, Entry into force: 30 March 2002. Also to quote the Royal Decree of 4 February 2002 taken pursuant to this law, published and entered into force on 30 March 2002.
Cyprus	Yes	National Database	Legislation pending. Currently operating under the Protection of Personal Data Act.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Czech Republic	Yes since 2002	National	Act on the Police of the Czech Republic (the possibility of getting the identification details and store them in evidence databases) and appropriate internal acts.
Denmark	Yes		
Estonia	Yes.	National DNA database	The database is based on Government of the Republic Act, Databases Act, Police Act, Personal Data Protection Act, Code of Criminal Procedure and Decree of National Police commissioner.
Finland	Yes, since September 1999	National	Coercive Measures Act, chapter 6 Other Coercive Measures: Article 5 Analysis and Recording of DNA-profiles. Article 6 Erasure of DNA-profiles from a Police Personal Data File and chapter 5 Article 22 about handling of personal information ²
France	Yes ³	National ⁴	<p>Law n° 98-468 of 17 June 1998 relating to the repression of the sexual infringements and to the minor's protection,</p> <ul style="list-style-type: none"> - Law n° 2001-1062 of 15 November 2001 concerning daily security, - Law n° 2003-239 of 18 March 2003 for internal security, - Decree n° 2000-413 of 18 May 2000 relating to the FNAEG and to the SCPPB, - Decree n° 2004-470 of 25 May 2004, - Decree n°2004-471 of 25 May 2004, - Decree of 18 May 2000 fixing the list of the DNA segments - Circular of the Ministry of Justice of 27 July 2004..
Germany	Yes, since April 1998	It is a national database with decentralized direct input	<p>The legal bases is included in German Federal Law: For the provision and examination of DNA samples: §§ 81a, 81e, 81f and 81g Rules of Legal Procedure (Strafprozessordnung); § 3 DNA-Identitätsfeststellungsgesetz ("act for the establishment of identity").</p> <p>For the maintenance of the database: § 3 Identitätsfeststellungsgesetz and §§ 2, 7 and 8 Bundeskriminalamtgesetz (act for the Federal Criminal Investigation Office)</p> <p>Content of the German DNA-database: DNA-identification codes of known perpetrators and "latents" (samples secured as evidence at scenes of crimes).</p>

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Greece			
Hungary	Yes	National	Act LXXXV of 1999 on the Criminal Records and Certificates on Criminal Record. ⁵
Ireland	No		Proposals in preparation
Italy	Yes		Legal basis in preparation
Latvia	Yes but technical development process still going on (looking for the software, technical equipment etc.).	National	Law on establishing and usage of the National DNA database (adopted on July 7, 2004, and entered into force on January 1, 2005). ⁶
Lithuania	Yes	National	1. Art. 156 of the Criminal Procedure Code of the Republic of Lithuania provides the legal basis to carry out genetic fingerprinting of individuals. 2. Lithuanian Police Activity Law provides the legal basis to accumulate and maintain various forensic intelligence databases. 3. Instructions on DNA Database Management, approved by the Order of the General Commissar of the Lithuanian Police and agreed with the Director of the Forensic Medicine Institute of the M. Romeris University
Luxembourg	Not yet, but a relevant bill of law (no. 5356) has been laid before the Parliament and is expected to be adopted before Summer.	National	Bill of law Nr. 5356 relative to the identification by genetic profiles in criminal procedures
Malta	No		
Netherlands	Yes	National	The national code of criminal proceedings stipulates that by means of a national administrative order the handling of DNA-profiles and organic cell material can be regulated. These rules are laid down in the DNA-investigation in Criminal Proceedings Act. Its Article 14 (1) provides for the legal basis for the DNA-DB
Poland	No Final work leading to start DNA database is being conducted		
Portugal	Yes, only with crime scene samples A database exists in the Forensic department since 2002.		Legal basis is in preparation

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Slovakia	Yes	National	The Act n. 417/2002 –Use of DNA analysis for identification of persons
Slovenia	Yes.	National	Police Act (Official Journal of the Republic of Slovenia nr. 49/98, 93/2001, 79/2003, 50/04) - Articles 59 – 63.
Spain	<p>Yes, a National DNA database and two Institutional DNA databases.</p> <ul style="list-style-type: none"> – Guardia Civil DNA database with two databases: <ul style="list-style-type: none"> ○ Criminal, concerning to profiles obtained from criminal evidences ○ Missing persons, concerning to profiles obtained from remains of unidentified person and from relatives of the missing person – Spanish National Police DNA database with two databases: <ul style="list-style-type: none"> ○ Criminal, concerning to profiles obtained from criminal evidences ○ Missing persons, concerning to profiles obtained from remains of unidentified person and from relatives of the missing person <p>National DNA database is fed with profiles from Guardia Civil and National Police profiles</p>	National, with two databases depending of Guardia Civil and Spanish National Police	In preparation
Sweden	Yes	National	The legislation concerning the national DNA database of DNA profiles is found in Code of Judicial Procedure, Chapter 28, Article 12-13 and in the Police Data Act (1998:622), Article 22-28 ⁸

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

United Kingdom	Yes ⁹	National (covering England and Wales, together with subject sample profiles and unsolved crime scene sample profiles from Scotland; subject and crime scene sample profiles from Northern Ireland will be added over the next year)	Police and Criminal Evidence Act (PACE) 1984 and amendments to PACE : Criminal Justice and Public Order Act (CJPOA) 1994;Criminal Evidence (Amendment) Act 1997;Criminal Justice and Police Act (CJPA) 001;Criminal Justice Act (CJA) 2003. Changes in the Data Protection Act (DPA) 1998, the Human Rights Act (HRA) 1998 and case law.
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REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 2	Control and access		
	2.1 Which authority/department is in charge of its management?	2.2 Who has a right of access to information on the database	2.3 Is a clearance needed?
Austria	Ministry of the Interior (BMI), Federal Criminal Investigation Office, office 6.1 – central recognition service	Management authority ¹⁰	Access rights are centrally attributed.
Belgium	National institute of Forensic and Criminology (INCC).	the manager responsible for the database within the INCC; certain members of staff of the INCC; the public Ministry; the examining magistrate.	The staff of the INCC is submitted to the professional secrecy and cannot take part in the DNA analyses. The INCC decide their access rights according to their responsibilities and the tasks they have to perform. Each user of the database is designated by a unique identification code. ¹¹
Cyprus	Cyprus Police Headquarters in close collaboration with the Laboratory of Forensic Genetics, Cyprus Institute of Neurology & Genetics.	The Director of the Laboratory of Forensic Genetics and personnel authorized by the Director.	Yes
Czech Republic	Genetic department – Institute of Criminalistics, Prague (the Czech Police)	Czech Police - genetic analysts (specialists) who have the access and the administrator	Access rights are centrally attributed.
Denmark			
Estonia	Authorised processor of a DNA database is Forensic Service Centre.	Scientists, laboratory personnel (access to the database)	Yes.
Finland	National Bureau of Investigation (NBI)/Crime Laboratory ¹²	The database managers and reporting scientists	The managers and scientists have a clearance

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

France	Direction centrale de la police judiciaire- Sous direction de la police technique et scientifique ¹³	May have access to the « fichier national automatisé des empreintes génétiques (FNAEG) »: magistrates, police officers (officiers de police judiciaire from the police and the gendarmerie), staff of the Sous-direction de la Police Technique et Scientifique (SDPTS) and of the National gendarmerie employed in the FNAEG or the SCPPB	Magistrates, police officers (officiers de police judiciaire from the police and the gendarmerie) are legally entitled to feed the database.
Germany	Federal Criminal Investigation Office (BKA), Division ZD Central CID Services Identification of Persons	Specialised Officials of the BKA and the Central Investigation Offices of the 16 Federal States (LKA) have direct access to the database. Public prosecution services can also be automatically provided with data for special criminal justice purposes (§ 11 (4) BKAG). All people concerned, who are stored in the data base, have the right to require information concerning their data from the BKA.	Special authorisation is necessary and has been doubled: the person, who has access and the respective working place (special computers connected to the DNAZ database) must be authorised..
Greece			

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Hungary	Central Bureau for Data Processing, Recording and Election of the Ministry of Interior in co-operation with the Institute for Forensic Sciences of the Ministry of Interior.	Domestic courts, public prosecutor's office, investigating authorities, national security services, as well as foreign investigating authorities, prosecutor's office, court, and international juridical and criminal investigation bodies, as provided for in the acts on mutual criminal assistance and other international conventions and agreements. The International Law-enforcement Co-operation Centre, and other bodies of the Republic of Hungary authorised by international conventions to process and disclose data to foreign bodies have an access to the information on the database too. Citizens shall be informed, at their request, of the data held and processed in the database related to them.	Yes
Ireland			
Italy			
Latvia	Information Centre of the Ministry of the Interior responsible for technical operation (hardware) and is a holder of technical resources (servers etc.) and State Police Forensic Service Department which holds the DNA data base and all information kept in it (user).	The only authority having full access to information kept on the DNA database is State Police Forensic Service Department. Others - such as law-enforcement authorities with a permission of prosecutor and judicial authorities - may request information kept on the DNA database by submitting a request where necessity (legal reason) for particular information has to be indicated.	No.
Lithuania	Lithuanian Police Forensic Science Centre	Authorized database managers, scientists and police officers have access to the DNA Database.	Yes.
Luxembourg	If the above mentioned bill of law will be adopted in its current version, it will be the Prosecutor General	Prosecutors, investigating judges, police officers and scientific experts	No. The rules of access will be defined by the general rules on competence as set out in the Criminal Investigation Code and other relevant instruments of law.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Malta	In the event that a database is set up the Police Department would be responsible for its management.	The Department would of course vest designated police officers with the authority to access and manage the information in accordance with the legislation cited hereunder: Sec 73 Chapter 164 of the Laws of Malta (Police Act)	The Police are authorised to compare information at their own discretion. Judicial requests for comparison may also be made both during the preliminary inquiry stage and during the hearing of the trial The Malta Police is legally vested with the authority to take non-intimate samples from crime suspects and to perform comparative searches against its records & databases (Sec 73 Chapter 164- Police Act) and this does not require a magisterial order. There are no legal limitations envisaged within the present legal set up.
Netherlands	The DNA DB is managed, on behalf of the Minister of Justice by the Director of the National Forensic Institute (NFI). ¹⁴	Only authorised personnel of the NFI have a right of direct access to the DNA-DB and the central NFI register. The latter contains the personal data of suspects and convicts with matching DNA-profiles contained in the DNA-database. ¹⁵	Personnel of the NFI has to be authorised.
Poland			
Portugal			
Slovakia	The Forensic Institute	Database administrator, DNA analyst, police, judiciary	Yes
Slovenia	Authority: Police as a body within the Ministry of the Interior, department: General Police Directorate - Forensic Science Laboratory.	Only the Police have a right of access to information on the database. Other subjects can access these information only through Police.	Yes
Spain	Security State Secretary, depending of the Ministry of Interior	DNA experts from Guardia Civil and Spanish National Police	The personnel with access to the National DNA Database have to be authorised by Secretary of State (they are DNA experts from Guardia Civil and National Police). Guardia Civil and National Police authorize personnel from theirs DNA Departments to access to theirs own DNA databases
Sweden	National Laboratory of Forensic Science. The National Police Board is responsible for the database.	The database managers and the DNA scientists of the Swedish National Laboratory of Forensic Science (SKL).	Yes

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

<p>United Kingdom</p>	<p>The Forensic Science Service, an Executive Agency of the Home Office, has been responsible for the management of the National DNA Database since 1995, through the office of its Chief Scientist as Custodian of the Database, under a Memorandum of Understanding between the FSS and the Association of Chief Police Officers, revised in 2000, 2003 and again in 2005, and the oversight of the National DNA Database Board, chaired by ACPO. These arrangements are currently under review. From July 2005, the Custodianship will transfer to the Home Office, prior to the FSS moving to a new status as a Government owned Company as a precursor to its eventually being private sector classified.</p>	<p>Designated staff employed by the Custodian and designated specialist IT staff in the FSS have direct access to the National DNA Database, but this access is restricted on a tiered basis to reflect the level of information required by an individual to do his/her job.¹⁶ Individual members of the public have a right under the Data Protection Act 1998 to access to information stored about themselves, but not to information about other individuals. The courts could order provision of information from the Database if relevant to a particular offence.</p>	<p>Security clearance to Counter Terrorism Clearance/Check level is required for staff having direct access to the Database; access by other individuals to information derived from the Database is by agreement with the National DNA Database Board and Custodian.</p>
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REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 2	Control and access	
	2.4 What information do they have access to?	2.5 Who manages the access rights?
Austria	In the DNA data base only the DNA profile values and a reference number are stored, and/or in so far as traces are concerned also circumstances related to the criminal offence. The allocation to the personal data set, which is stored in a separate data base can only be made by the authority stated above.	Ministry of the Interior
Belgium	The databases "Forensic" and "convicted" contain the following data: <ul style="list-style-type: none"> • record number of the criminal file; • the magistrate's name in charge of the criminal file; • details of the laboratory which established the DNA profile and the file number • biological nature of the trace; • the person's sex from which the trace comes; • code number allocated by the magistrate linking the DNA profile to the concerned person. 	Management of the rights of access: <ul style="list-style-type: none"> • DNA profiles are recorded in an electronic file giving the largest guarantees as regards safety and confidentiality of the envisaged treatment; • the manager responsible for the DNA Database of the INCC lays down the access rules for each user of the database • the person responsible for data protection is designated within the INCC on a proposal of a Commission of evaluation by the Minister for Justice.
Cyprus	Genetic Profiles, Names/Surnames, IDs, Passport Numbers	The Director of the Laboratory of Forensic Genetics.
Czech Republic	To the database INFO DNA and CODIS database. INFO DNA consists of sample information and the lab work. CODIS consists of DNA profiles.	Administrator at the Institute of Criminalistics.
Denmark		
Estonia	Data related to biological samples; DNA profiles; DNA matches.	Administrator of the database (appointed by the Police director of the Forensic Service Centre).
Finland	DNA-profile information, information regarding the crime cases, names and social security codes for the individuals	Responsible database managers
France	Staff of the SCPPB has access to all the data except genetic ones (art 706.55 & 706.54 of the Penal Procedure Code) ¹⁷ The judicial police officer and the judicial police agents have only access to the identity, place and date of birth. Judicial police officers and magistrates are informed of the links found within the database : traces/traces, traces/individuals, individuals/individuals (alias).	The Central Directorate of Criminal police manages the rights of access.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Germany	Authorised persons have access to the entire data of the data base, such as: police service concerned and its reference number, criminal offence, laboratory charged with the examination and its reference number, formula for making the data anonymous and unique identification number of the data set, personal data of known persons, data with regard to unsolved "latents" and the DNA-identification-pattern. file reference, identification number of the data recorded	Federal Criminal Investigation Office (BKA) Division IT Information Technology
Greece		
Hungary	To all relevant information (personal, criminal, and DNA-profile data)	Central Bureau for Data Processing, Recording and Election of the Ministry of Interior.
Ireland		
Italy		
Latvia	State Police Forensic Service Department has full access to all information kept on the DNA database	State Police Forensic Service Department
Lithuania	Different users of the Database have different access rights. Administrators and scientists may access all information in the Database. Police officers can only check whether particular person's profile is already in the database.	Access rights are managed by the Information Technology Division of the Lithuanian Police Forensic Science Centre. Access rights are defined and prescribed by the Director of the Lithuanian Police Forensic Science Centre in accordance with the instructions.
Luxembourg	If the bill of law 5356 will be adopted in its current version, they will have access to all the information the DNA profiles may be linked with, such as personal data of the concerned person, of the crime and the crime scene, the reference of the relevant prosecution file, the prosecution officers having dealt with the file, the results of eventual comparisons with other DNA profiles,	If the bill of law 5356 will be adopted in its current version, the law itself will determine a certain number of conditions under which access to the data is granted. Prosecutors and investigating magistrates shall access the data for investigations they are in charge of, police officers will have access on the basis of a mandate from a judicial authority. Scientific experts will have access in the context of the specific case they are in charge of. Any other questions not directly provided for by the law and related to access to the DNA data are decided upon by the Prosecutor General.
Malta		

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Netherlands	The judiciary responsible for prosecution and trials will obtain all information available in the DNA-DB and the central register via the NFI, i.e. if necessary for the performance of their duties, also the DNA-profiles of suspects or convicts. The NFI provides the national central police organisation [with all relevant DNA and identification information] for all criminal cases that have not yet been solved and for which a DNA-examination has been ordered. ¹⁸ . The information provided to police, gendarmerie and the Central Judicial Payment office may not go beyond the name of the person whose DNA-profile is recorded in the DNA-database, as well as his DOB, POB, and country of origin, or –if these data are unknown- other data to establish the identity as well as the case number attached to the DNA-profile ¹⁹ .	See answer to question 2.2 and 2.4
Poland		
Portugal		
Slovakia	Database administrator and DNA analyst have access to all information. Police and judiciary have only access to the results of comparison	Database administrator
Slovenia	Place, time and grounds for taking a DNA sample, name and surname of the person who took the sample, profile of the DNA sample taken;	Police – General Police Directorate
Spain	All information in the register: It can be limited the “access right” of an authorized person (only data entry but not searches, ...)	Security State Secretary concerning to National DNA Database and Guardia Civil and National Police regarding to the Institutional DNA Databases
Sweden	All information in the register	SKL
United Kingdom	In addition to the DNA profile, the only other information recorded on the National DNA Database for samples taken from individuals comprises: <ul style="list-style-type: none"> • unique identification numbers • individual’s name, date of birth, ethnic appearance code and gender code • information relating to the sampling force and the supplier laboratory to which the sample was submitted • sample type and test type For SOC samples, the additional information comprises: <ul style="list-style-type: none"> • unique identification number • offence code • information relating to the sampling force and the laboratory to which the sample was submitted • sample type and test type Designated Custodian staff and designated FSS IT staff have tiered access to the information, depending on their needs	The Custodian sets the access rights and these are implemented by the designated FSS IT staff.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 3	Searching and matching	
	3.1 What searches of the database for matching profiles can be requested?	3.2 What searches for matches cannot be carried out?
Austria	Scene/scene; suspect (always also convicted people)/scene; Scene/suspect, missed person/unknown corpses; Scene/police elimination of profiles (executive members) Comparisons run automatically after new storage. Comparison of mixed traces is technically possible.	Storage of the personal profiles depends on the legal bases of the SPG. Essentially, if a person is suspected of having committed "a dangerous attack" (intentionally committed criminal offences according to the Austrian penal code, the addiction law and the prohibitory law) and the danger exists that regarding the act or the personality of the person concerned it can be expected that he/she could commit criminal offences also in future, where traces could be left, which could facilitate his/her recognition. Storage of trace is not subject to any restrictions.
Belgium	The searches for profiles which can be asked: <ul style="list-style-type: none"> • crime scene/crime scene: yes if there are traces • suspect/crime scene: yes • suspects/suspects: no database on suspects • disappeared person /crime scene: no database on disappeared persons • deceased person /suspect: no • Convicted: to be added to this list 	All other searches than those of the above list cannot be carried out ²⁰
Cyprus	Crime stains, convicted individuals, missing persons	Non-convicted individuals.
Czech Republic	There is no legislative regulation concerning searching, we run a CODIS v 5.7, all the requests are obvious from the programme. In general, all the indexes could be searched.	Not regulated
Denmark		
Estonia	Crime scene/crime scene, suspect/crime scene, suspect/suspect, missing person/crime scene, deceased person/suspect.	Not regulated
Finland	Suspect - crime scene, crime scene - crime scene, suspect - suspect	Missing person/crime scene, deceased person/suspect

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

France	<p>The profiles entered into the database are :</p> <ul style="list-style-type: none"> - convicted persons, - a certain category of suspects (serious and tallying clues), - traces of scenes of crime, - disappeared persons and unidentified bodies. <p>Three types of comparison can be undertaken :</p> <ul style="list-style-type: none"> - <u>traces/traces</u> - <u>Individuals/traces</u> - <u>Individual/individual</u> : (misuse of identity) <p>Researches can also be carried out concerning disappeared persons and unidentified bodies</p> <p>Profiles of individuals suspected of a crime or an offence are only compared to the DNA database but are not entered into it.</p>	<p>The searches which cannot be carried out are relating to minor infringements (contraventions)</p>
Germany	<p>All combinations mentioned are possible.</p> <p>Comparison “missing person/criminal offence” and “dead person/suspect or criminal offence” are only carried out, if especially requested and necessary for the purpose of criminal proceedings.</p> <p>DNA-data of “missing person”s and “unknown dead bodies” are stored separately in a special data base (Vermi/Utot) together with other recognition features such as teeth schemes.</p>	<p>See 3.1</p>
Greece		
Hungary	<p>crime scene/crime scene, suspect/crime scene, suspect/suspect, missing person/crime scene, deceased person/suspect</p>	<p>All forensically relevant searches can be carried out</p>
Ireland		
Italy		
Latvia	<ul style="list-style-type: none"> - Crime scene / crime scene; - Suspected person / crime scene; - Suspected person / suspected person; Unknown dead body / possible relatives. 	<ul style="list-style-type: none"> - Unknown dead body / crime scene; - Possible relatives / crime scene
Lithuania	<p>Crime scene/crime scene, suspect/crime scene, suspect/suspect.</p>	<p>Searches for matches of mixed profiles and partial profiles cannot be carried out.</p>
Luxembourg	<p>If the bill of law 5356 will be adopted in its current version, the DNA profiles of suspected/involved persons, convicted persons, of stains of crime scenes, of victims and of persons disappeared under suspect conditions may be searched, compared and matched.</p>	<p>If the bill of law 5356 will be adopted in its current version, there will be a matching tool for searching and matching corresponding profiles; matches will have to be confirmed by a scientific expert.</p>

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Malta	<p>It is being plan that Malta's National database would have the functions to performing searches as follows:-</p> <ul style="list-style-type: none"> • Crime scene to suspect • Crime scene to crime scene • Crime scene to unidentified persons • Suspect to Crime Scene • Suspect to suspect • Profile to unidentified persons 	Not applicable
Netherlands	<p>The only categories of persons whose DNA-profile can be recorded are</p> <ul style="list-style-type: none"> - unknown suspects (this means: traces) - known suspects and convicts - so-called former convicts (persons that have fully served their prison or custodial sentence) and whose DNA-profile has been recorded on their own initiative - deceased crime victims <p>The DNA profiles of missing persons can not be recorded in the criminal DNA database. It is the intention to develop a separate DNA-DB that will contain only the DNA-profiles of missing persons and unidentified bodies.</p> <p>In a similar way, the DNA-profiles of third persons (non-suspects, such as victims, witnesses and those who cooperate in a large-scale DNA-profiling investigation) can be recorded in the criminal DNA DB, and those profiles can never be compared to others that are lawfully recorded in that DB. A third person who cooperates on a voluntary basis, and whose profile matches that of a trace can, as a matter of fact, become a suspect. In that case, his profile will be added to the DNA DB and compared to all other recorded profiles.</p> <p>The DNA profile recorded in the DNA DB can be compared to other recorded profiles./ The comparisons relate DNA-profiles of known suspects, convicts with those of unknown suspects, or to relate unknown suspects. The purpose of the comparison is to further the prevention, persecution and conviction of criminal offences.</p>	Cfr answer to question 3.1
Poland		
Portugal		
Slovakia	crime scene/crime scene, suspect/crime scene, suspect/suspect, missing person/crime scene, deceased person/suspect)	searches for relatives of missing person/crime scene, relatives of missing person/suspect
Slovenia	crime scene/crime scene, suspect/crime scene, suspect/suspect, missing person/crime scene, deceased person/suspect	Searches that are not listed in question 3.1.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Spain	No legislative restriccion. Depending on the Indexes and parameters of CODIS 5.7.1 The profiles from the relatives are only search against the profiles of unidentified person.	No specific restriction.
Sweden	Crime scene/crime scene, suspect/crime scene, suspect/suspect. Missing person/crime scene and deceased person/suspect can be requested by manual operation	You can not search a person who is not fulfilling the demand of the legislation.
United Kingdom	Subject v Subject; Subject v SOC; SOC v SOC. Checks for missing persons or victims of mass disasters against the Database can only be carried out if the police believe they may be the victims of a crime.	Searches unrelated to the prevention and detection of crime, the investigation of an offence or the conduct of a prosecution. Searches purely to assist with identification where no crime is involved are forbidden.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 3	Searching and matching	
	3.3 Legal conditions required for a search for matches ?	
	3.3.1 Are there restrictions attached to the type of offence justifying the searching of the database?	3.3.2 Is a legal order of a magistrate necessary?
Austria	Storage of the personal profiles depends on the legal bases of the SPG. Essentially, if a person is suspected of having committed "a dangerous attack" (intentionally committed criminal offences according to the Austrian penal code, the addiction law and the prohibitory law) and the danger exists that regarding the act or the personality of the person concerned it can be expected that he/she could commit criminal offences also in future, where traces could be left could, which could facilitate his/her recognition. Storage of trace is not subject any to restrictions.	No.
Belgium	Sampling to carry out the analysis of the DNA and the information which results from this have to be used only within the framework of an investigation or within the framework of penal proceedings and for the purposes of identification. Takings can be ordered by the examining magistrate only under strict conditions: <ul style="list-style-type: none"> • Only if at least, a human cell trace was discovered and was collected within the framework of the case he is in charge of, • If he has clues that the concerned person is directly linked to the facts. 	The King's prosecutor and examining magistrate can order: <ul style="list-style-type: none"> • human cell sampling; • discovered traces of human cells; • establishment of the DNA profile; • analysis of the DNA profiles; • comparison with the data contained in the databases Forensic and Convicted
Cyprus	Request must be submitted through the Cyprus Police Headquarters	No
Czech Republic	No legislative regulation	No legislative regulation
Denmark		
Estonia	No	No
Finland	No restrictions. All profiles in the database will be searched against each other.	No

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

France	For a search to take place, the individual must be in one of the following situation : - convicted for an infringement mentioned in art 706-55 of the Criminal Procedure Code ²¹ , - suspected of a crime, an offence or an infringement mentioned in art 706-55 of the Criminal Procedure Code - deceased person non identified, - disappeared person.	Under the law of 18th March 2003, the magistrate and/or the judicial police officer may request the inscription of any DNA profile realised in the framework of an investigation for one of the offence mentioned under art 706-55 of Criminal Procedure Code
Germany	Query must be carried out for the purpose of legal inquiries, prevention of danger or international mutual judicial assistance. The public prosecution service is in overall charge of the investigations pursuant to the rules of criminal procedure.	No. The observance of special formal procedures is not required with regard to queries.
Greece		
Hungary	No	No
Ireland		
Italy		
Latvia	No	No
Lithuania	For a search for matches a request from a pre-trial investigator, prosecutor or judge is required. For an international search a request from the National Interpol/Europol Bureau or police liaison officer is required. No restriction to the type of offence	No.
Luxembourg	If the bill of law 5356 will be adopted in its current version, the legal conditions would be that with the consent of a concerned person, a DNA profile can always be established for any criminal offence. The establishing of a DNA profile under constraint would only be possible if the relevant offence would be punishable with a maximum of two years of imprisonment at least.	If the bill of law 5356 will be adopted in its current version, yes, a legal order as defined by the Criminal Investigation Code issued by the Prosecutor or an investigating judge would always be necessary.
Malta	At present there are no specific legal conditions aside from any information relevant to the commission of any crime in or outside Malta. However administratively, comparisons require the suspicion of involvement in a crime to give rise to a comparison. The only legal restriction is that the investigations must refer to a crime Maltese legal system (therefore no comparisons can be effected for contraventions or offences of an administrative nature.)	No

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Netherlands	DNA profiles of suspects and convicts of crimes for which provisional detention is possible can be recorded. This limit corresponds with that for which compulsory collection of DNA material can be ordered in view of DNA investigation of a suspect or convict. The DNA DB contains also traces of unknown suspects; for the collection of these profiles there is no legal threshold. But in practice only the profiles of unknown suspects of crimes for which provisional detention is possible are recorded The comparison is therefore also limited to DNA profiles [of persons that are suspect of or have been condemned for] crimes for which provisional detention can be ordered.	The director of the NFI is authorised, to compare without the intervention of the public prosecutor or juge d'instruction, the profiles contained in the DNA-DB. The purpose of the comparison is to promote the prevention, investigation and conviction of criminal offences. He will inform the public prosecutor or juge d'instruction of his findings.
Poland		
Portugal		
Slovakia	No	No
Slovenia	The purpose must be detection and investigation of criminal offences or exercise of police powers Searching of the database is justified for all criminal offences prosecuted <i>ex officio</i>	No.
Spain	No legal restrictions. The profiles from the relatives are only search against the profiles of unidentified person.	No.
Sweden	There are no restrictions attached to the type of offence justifying the searching of the database.	No
United Kingdom	Samples may be taken from individuals for addition to and searching against the Database following their arrest and detention by the police for a recordable offence ²² . Profiles from samples provided voluntarily with specific written consent for their addition to the Database may also be speculatively searched against other profiles on the Database. There are no constraints on what crime scene profiles can be searched against the Database.	No

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 3		Searching and matching	
	3.4 What information is provided in the report of a match	3.5 How many new profiles are searched against your database annually?	
Austria	Profile values are not communicated in national hit messages. In the case of international hits profile values are conveyed for comparison purposes. Prior to hit communication a second analysis with second mouth cave reduction sample is always made and kept by the forensic medicine Innsbruck. In the case of hits the nationality (?) of the suspect as well as details of the criminal offences of the hit are transmitted to the police authorities, which had secured the traces at the scene.	Approx. 12,000 personal profiles and approx. 8. 000 trace profiles	
Belgium	<ul style="list-style-type: none"> • Record number of the criminal file • the magistrate's name in charge of the criminal file; • details of the laboratory which established the DNA profile and the file number • biological nature of the trace; • the person's sex from which the trace comes; • code number allocated by the magistrate linking the DNA profile to the concerned person. 	In 2004, approximately 3500 profiles were added to the databases	
Cyprus	Genetic profile, genetic system used to generate the profile, case identifier.	Approximately 300-500.	
Czech Republic	We do not provide the report matches from CODIS. We only report the match.	There are less than 14.000 profiles in the database at the moment (about 10.000 profiles from individuals and less than 4.000 profiles from crime scene samples). The whole database search may be conducted.	
Denmark			
Estonia	Name of person(s), the number of the criminal matter and details of the sample.	More than 3500 DNA profiles	
Finland	Name and social security number of the matching persons, the details of crime scene samples and of offence	About 15 000 (14 721 in 2005) new profiles from individuals (suspects). About 3000 new profiles from crime scene samples.	

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

France	In the event of unfruitful search, a negative answer is sent back to the requesting part (<u>never</u> to the laboratory having proceeded to the analyse) In the event of search providing one or more possible candidates, the requesting part (magistrate and/or Judicial Police Officer) is informed of the result and in particular of - the number of candidates and the categories of the profiles (convicted, trace), - details of the magistrate or police officer who has initiated the recording - laboratory having carried out the analyses - legal framework - Identity of the compatible person.	The FNAEG has been operational from the end of 2002, But since the publication of the law of 18 March 2003, the consultation and registering requests have been in considerable increase. At the end of January 2005, approximately 51,000 genetic profiles were managed.
Germany	In case of a hit, all data stored in the DNA-data base will be communicated to the requesting service.	In the last years 70.000 new DNA-identification pattern per year were registered and compared with the data stored in the data base. In addition to this a number of queries were carried out without storing the data sets because of various reasons, such as insufficient quality
Greece		
Hungary	All the information which is included in the Interpol DNA profile search reply form.	The database is still under construction. We are expecting approximately 12.000 - 15.000 new entries / year
Ireland		
Italy		
Latvia	Name of the person, person's identification code, details of offence or crime scene	Not known due to the fact that technically the DNA database is not functioning yet
Lithuania	Type of offence, reference number of a criminal case, person's name and personal code number, institution that submitted the DNA sample to the database are provided in the report of a match.	All newly obtained profiles are searched against the database. 2112 profiles were searched in 2004.
Luxembourg	If the bill of law 5356 will be adopted in its current version, in case of a match on a purely national basis, all the information contained in the DNA data bases will be accessible.	No figures are available at this moment, since our DNA database is not yet operational. Based on internal estimations, around 1000 (national) profiles per year may be expected. Each profile will be matched against the entire database.
Malta	Once the database is developed, a report indicating the person's details, the details of the offence and the source of the evidence would be included.	Not applicable

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Netherlands	<p>The expert who carried out the DNA-investigation will make a report that will contain, at least the following:</p> <ul style="list-style-type: none"> - the name, and DOB of the person if the investigation concerns a known person, or when these data are unknown, other data to establish the identity - the number of the ID seal under which the DNA material has been presented to the NFI - the method with which the DNA profile has been established - the results and conclusions of the DNA investigation <p>The DNA profile will not be recorded in the report. Reference to the crime in which context the DNA investigation has been conducted, depends on whether the public prosecutor or juge d'instruction has mentioned this in his order to carry out the investigation. The public prosecutor or juge d'instruction that ordered the DNA investigation will receive the report from the expert</p>	<p>Every new profile is compared to all other profiles in the DNA DB. In the year 2003 about 7700 comparisons were carried out and in 2004 about 10.000. In 2005 this amount is expected to double.</p>
Poland		
Portugal		
Slovakia	profile details, name of person(s), details of offence(s), case ID	2000 new profiles annually
Slovenia	profile details, name of person(s), details of offence(s)/crime scene(s)) All of the listed.	The number is increasing, last year app. 2500 internal (not international) searches took place
Spain	Case number, policial/judicial information, person's details, the details of the offence, the source of the evidence and all matches related with the profile would be included.	2000-3000 new profiles every year but it is increasing rapidly
Sweden	The case number for the crime scene and the name of the suspect.	Sweden has a new legislation and the effect of this is not known yet but probably between 40 000-60 000 profiles from persons and < 10000 profiles from crime scenes.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

United Kingdom	Person's identification code, case number, name, date of birth	60,000 crime sample profiles and ~450,000 subject sample profiles (based on load figures 2001-4) are added to the Database annually; each new subject and crime scene sample profile added is speculatively searched against profiles already on the Database. Subject v Crime Scene and Crime Scene v Crime Scene matches are routine reported to the police immediately. Subject v Subject matches are reported periodically, to assist the police in identifying aliases, to manage the unnecessary taking of samples from persons already represented on the Database and to identify adventitious matches.
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REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 4			
International cooperation			
	4.1 Please specify any mention in your legislation for profiles obtained in your country to be compared with profiles obtained in other countries and vice versa?	4.2 Are there any specific restrictions on this comparison of profiles with other EU Member States?	
	4.1.1 Can a DNA profile from another EU Member State be compared with your own database?	4.1.2 Can a profile obtained in your country be compared with the databases of other EU Member States?	
Austria	YES §§ 1.2, 8.9 police cooperation law; §§ 7-10, 12.13 data protection law	Yes	Comparison is permissible, if it were also domestically permissible.
Belgium	Currently there is no specific legislation making it possible to compare the DNA profiles obtained in Belgium with those of other countries and vice versa. But the INCC complies regularly with such requests which are transmitted via the federal prosecutor. These requests are generally sent via Interpol or via rogatory letters. The report sent to the federal magistrate contains the same information as 3.4. The INCC do not communicate persons' identity, the DNA databases being anonymous.		
Cyprus	Yes, through Interpol National Contact Point.	Yes, through the Interpol National Contact Point.	No as long as the core EU loci are included in the search request.
Czech Republic	Act on the Police of the Czech Republic: It is possible to pass personal details to Interpol, Europol etc. (in terms of international agreements on police cooperation) In case they use the same loci (DNA markers), then yes, it is possible to compare the results	Answered in 4.1.1	There are no specific restrictions on this comparison.
Denmark			
Estonia	International exchange of information is allowed, based on criminal conventions, international agreements or state agency agreements Yes	Yes	No
Finland	Yes, via Interpol or other official channels	Yes, via Interpol or other official channels	Implementation of the European Standard Set. A search for missing persons cannot be performed
France	Yes, by means of international rogatory letters or Interpol	Yes under the same condition of	There is no specific restrictions to this

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

	NCB it is possible to compare a DNA profile under the condition of legal compatibility (similar legal framework of the file/ type of offense).	legal compatibility. The request is made by a magistrate under the framework of legal assistance.	comparison. It may be undertaken for any crime or offence foreseen by French law. ²³
Germany	Regulations of international mutual judicial assistance are relevant in this context. Pursuant to § 14 BKAG the Federal Criminal Investigation Office (BKA) is authorised to communicate personal data to the other Member States' authorities concerned for law enforcement and public order (prevention of danger) purposes.	Yes	The comparison is technically possible without problem due to internationally agreed standards. Restrictions might occur because of the regulations with regard to the international mutual judicial assistance.
Greece			
Hungary	Yes	Yes	No
Ireland			
Italy			
Latvia	Exchange of information on DNA results with foreign law-enforcement authorities may be carried out only in cases and according to the procedure provided in international agreements (Article 17, paragraph 2). ²⁴ As the DNA database is not yet functioning the answer is approximate.	The DNA database will accept the DNA profiles from other databases if they are made according to the common standards and vice versa..	There are no specific restrictions
Lithuania	Instructions on DNA Database Management provide that searches in the National DNA Database are performed under requests received through National Interpol/Europol Bureau or police liaison officers. Also, National Interpol/Europol Bureau together with Lithuanian Police Forensic Science Centre organize search of profiles on databases of other countries by request of a head of a police institution investigating a crime. A profile can be compared, if received through National Interpol/Europol Bureau or police liaison officer.	Yes, if sent through National Interpol/Europol Bureau or police liaison officer.	No.
Luxembourg	If the bill of law 5356 will be adopted in its current version (and if there is a provision of an international instrument providing for it), yes, international cooperation will be possible under the relevant MLA agreements.	See answer to 4.1.1.	If the bill of law 5356 will be adopted in its current version, comparisons would be possible according to the provisions of the Luxembourg law and of the legal international instrument providing for the cross-border comparison.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Malta	Under the present legal regime all types of evidence, data and information may be cross checked/compared with those available at other MS Police/Judicial Forces as long as the transfer of data either way is intended for the established criteria under data protection law, i.e. the prevention/investigation/prosecution of a criminal offence and in compatibility with Sec 73 of Chapter 164 (Police Act) as above.	Not applicable	No.
Netherlands	Dutch legislation does not create specific competencies for the comparison of dutch and foreign DNA profiles. The comparison and exchange of profiles can only take place on the basis of an international letter rogatory issued in the context of a request for mutual assistance. Comparing a DNA profile of a suspect established abroad with the profiles in the national DNA DB is the sole competence of the public prosecutor of the jurisdictional region in which the comparison is to take place, of that where the request was received or of the national parquet. If the request is done in the context of an international treaty, it will be honoured to the furthest extent possible. If not, the Minister of Justice will determine whether such should be the case. A request for legal assistance can be refused if there are grounds to believe that it has been done to support discriminatory treatment, or in case of a ne bis in idem (this means that the same case has already resulted in a final conviction) or if a case is on trial in the Netherlands. In principle, requests done outside of a treaty are honoured. Meeting the request can never be contrary to a legal obligation or an instruction of the Minister of Justice. Requests done outside of a Treaty context must be received via and answers sent via the Minister of Justice	Yes, on the basis of a request for mutual assistance in criminal matters. No specific rules apply for requests sent to other states	Cfr reply to question 4.1.2: the exchange of profiles is only possible on the basis of an interenational request for legal assistance. This relates to the fact that DNA profiles are not police data, but judicial information.
Poland			
Portugal			
Slovakia	Yes	Yes	No, there are no restrictions
Slovenia	There is no direct mention in our legislation for profiles obtained in Slovenia to be compared with profiles obtained in other countries. Indirectly this is regulated by Article 54 of the Police Act ²⁵ .	Yes.	Yes The condition of criminal offences prosecuted <i>ex officio</i> must be fulfilled
Spain	Yes, via Interpol or other official channels	Yes, via Interpol or other official channels	No

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Sweden	Yes if we receive an official request from that country to Sweden.	Yes	Swedish legislation, se 3.3
United Kingdom	<p>Yes</p> <p>The Police and Criminal Evidence Act as amended by the Criminal Justice Act 2001 section 81. This lists those organisations to whom information from the Database may be provided. These are police forces or law enforcement agencies. The process is managed through the Interpol NCB persons desk and takes due account of the Human Rights record of the countries concerned See response in 4.2 & 4.4 .</p>	Yes	<p>Profiles obtained from subjects under UK legislation can only be used for purposes related to the prevention and detection of crime, the investigation of an offence or the conduct of a prosecution. They cannot be used to help identify individuals where no offence is suspected. The same restrictions apply when comparing profiles obtained from other countries against crime scene sample profiles obtained in the UK . Only requests originating from police forces or law enforcement agencies are processed. Requests for a search of the National DNA Database are channelled through Interpol – London Person’s desk. These are only processed where it is clear that the request is in the interest of prevention and detection of crime, national security or the data subject. Only a one-off speculative search of the database is made and information fed back via Interpol. A risk assessment on the dissemination of this information is then made. The risk assessment will consider the justification and proportionality of disclosure of the information. This does not tend to pose a problem with EEA countries where similar DPA and HR principles apply. However, a risk assessment is still carried out. For non-EEA countries where there may be some uncertainty over human rights issues, very serious consideration is given before any information is given out. It may still be proportional to disclose the information if the risk posed to the public is high.</p>

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 4	International Cooperation		
	4.3 What information is actually transmitted by your country		4.4 Do you impose restrictions on the use and/or retention of the information you send to other EU Member States?
	4.3.1 When requesting the search of a database from other EU Member State?	4.3.2 If a match is found between a profile from another EU Member State and your DNA database?	
Austria	DNA Profile, nationality of the suspect, criminal offence	DNA-Profile, nationality of the suspect, criminal offence	Data protection clause, restriction of use exclusively for the transmission purposes (state police, criminal jurisdiction)
Belgium	See answer under 4.1.1		
Cyprus	Match/No Match Report Genetic Profile, origin of stain, case identifier.	Genetic Profile, origin of stain, case identifier.	No.
Czech Republic	We haven't found any match concerning EU Member States yet .	We haven't found any match concerning EU Member States yet .	Since the Czech Republic became an EU Member State, it is not possible to impose any restrictions to the use or retention of personal data transmitted to another EU Member State. Implementation of the <i>Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data - Official Journal L 281 , 23/11/1995 P. 0031 – 0050</i>
Denmark			
Estonia	DNA profile + unique identifier, name, type of offence	Identity of the profile, type of offence.	No.
Finland	DNA profile + unique identifier	Identity of the owner of the profile	No

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

France	In case of a search request into the database of another EU member state (for example DNA profile + unique identifier, name type of offense), the answers to the search requests via NCBs are of known/unknown type.	Requests in the framework of legal assistance include informations on the gentye, the investigation service or the magistrate having initiated the file, references of the taking, the laboratory which has proceeded to the analyze and the designated expert, and if the case would be the complete identity of the person.	Requests must be compatible with the legal framework of the law of 18th March 2003.
Germany	Criminal offence (short description) DNA-identification pattern If need be: personal data of suspects and/or perpetrators	Under the conditions of international mutual legal assistance and the respective approval in the case concerned, all information requested will be communicated.	Yes. Pursuant to § 32 BKAG data of adult person can be stored for 10 years maximum (growing ups: 5 years). A data protection clause must be added to any information given by the BKA.
Greece			
Hungary	All the information which is included in the Interpol DNA profile search request form	All the information which is included in the Interpol DNA profile search reply form. However, additional information can be transmitted to foreign bodies via the International Law-enforcement Co-operation Centre, and other bodies of the Republik of Hungary authorised by international conventions to process and disclose data to foreign bodies upon request.	No
Ireland			
Italy			
Latvia	As the DNA database is not functioning yet the answer cannot be given.	As the DNA database is not functioning yet the answer cannot be given	Current national legislation provides no specific restrictions on the possible use/ retention of the information sent to other EU Member State.
Lithuania	All information required in the Interpol request form.	All information required in the Interpol request form.	No.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Luxembourg	Not applicable, as the bill of law 5356 has not yet entered into force.	Not applicable, as the bill of law 5356 has not yet entered into force.	Not applicable, as the bill of law 5356 has not yet entered into force. However, the provisions of mutual legal assistance would be applicable, if not otherwise provided for by a specific international legal instrument. Hence, a foreign DNA profile could be searched against the national DNA database on an individual basis, upon request for legal assistance issued by a foreign judicial authority.
Malta	Not applicable at this stage, but there are no legal limitations aside from the parameters set out under the Data Protection Act, and LN 142/2004, being the relative information necessary for the establishment of identity.	Not applicable at this stage, but as 4.3.1	All data transmitted outside the control of the Maltese Police needs to be correlative to the Data Protection requirements of restricted/limited use of principles
Netherlands	The NFI will inform the public prosecutor in charge of carrying out the request for assistance upon completion of the comparison of profiles whether a match has been found in the Dutch DNA DB. If a hit occurred, the public prosecutor receives the data attached to the profile, such as the name of the person concerned, the crime that was at the origin of the recording of the data in the Dutch DNA DB. The profile itself will not be exchange, because it has not added value to that of the information already available in the other MS.	If a hit occurs with a DNA profiles coming from another EU MS, the NFI gives this information to the public prosecutor in charge of the request for legal assistance. Cfr also point 4.3.1.	The data may ONLY be used in the case for which the request for legal assistance has been made.
Poland			
Portugal			
Slovakia	DNA profile	We haven't found any match concerning EU Member States yet .	No
Slovenia	This depends on the request. According to Article 61, point 8 of the Police Act the record of DNA tests shall contain: place, time and grounds for taking a DNA sample, name and surname of the person who took the sample,	Depends on the request, i.e. all legally held information about the individual concerned	No restrictions on the use or retention of the information sent are imposed except that it should be used in accordance with the purpose of request.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

	profile of the DNA sample take		
Spain	DNA profile and a code number	Depending on the request and according to the Prüm Treaty if necessary, but it would be the same than in a National match (Case number, police /judicial information, person's details, the details of the offence, the source of the evidence and all matches related with the profile would be included)	
Sweden	DNA profile + unique identifier, name	identity of the owner of the profile	See 4.2 and 3.3
United Kingdom	As per Interpol request form	Will soon be as per Interpol request form Currently for positive matches we provide: Subjects –Unique identifier (barcode), Force and Division code, name and date of birth Crime scene stains- Unique identifier (barcode), Force and Division code, profiling laboratory, year and case number	Interpol London acts as clearing house for release of information. Restrictions may be imposed and this is wholly dependent on the results of the risk assessment and compliance with human rights.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 4	International cooperation		
	4.5 Through which channel(s) are requests for international searches usually made?	4.6 Are the requests made through paper-based or electronically?	4.7 What is the annual volume of international database search requests being made by your country to other EU Member States and vice-versa?
Austria	Always as single transmissions (no mass comparison) through Interpol NCB. Federal Criminal Investigation Office is also Interpol Vienna, that's why requests can be received and answered also directly.	Use of the electronic Interpol formula	At present only individual cases in usually important criminal offences. On the average 300 inquiries per year. Tendency rising. Already heavy criminal offences could be clarified by international requests for comparison.
Belgium			
Cyprus	Cyprus Police Headquarters, Interpol Contact Point	Paper-based.	EU Member States – Cyprus search requests: 50-100 Cyprus – EU Member States: 20-40
Czech Republic	The requests are done through the Interpol NCB	Overwhelming majority of the requests sent to the Department of International Police Cooperation from abroad is sent and received electronically and the Institute then receives the documents electronically as well; the Genetic department receives paper based documents.	Institute of Criminalistics, Prague do not dispose of such statistics. (We can estimate that there are more than hundreds of requests altogether). But the trend is an increase in the number of of such requests.
Denmark			
Estonia	Through Interpol NCBs	Both, paper-based and electronically. Hard to estimate our capacity for electronic requests.	About 100
Finland	Through Interpol NCB's	Electronically	In 2004 we had about 120 International DNA requests.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

France	Requests must be done through NCBs or a magistrate (Mutual legal assistance).	Paper based	Since the FNAEG was operational, the total number of international requests was of 130 on 31/01/05 (117 comparisons out of which 3 were positive, 13 comparisons of suspects out of which 2 were positive)
Germany	The channel follows from the regulations for international mutual legal assistance. In general international requests are channelled by the BKA as Interpol NCB to the respective NCB of the Member State concerned. through the Interpol	Requests are carried out electronically (e-mail etc.) and "in paper". The Interpol-form for the exchange of DNA-data is more and more used. Capacity for the reception of electronic requests is not given.	The volume of requests from MS has increased during the last years. In the year 2004 there were 250 requests of this kind. No statistic exists with regard to German requests to other MS
Greece			
Hungary	Through Interpol NCB's	Currently it is paper-based	Some 50 / year. However, a significant increase is expected upon reaching full operation of the database already this year.
Ireland			
Italy	Any request transit through the Central Directorate of Criminal Police or through Rogatory Letter		About 100
Latvia	As the DNA database is not functioning yet the answer cannot be given		
Lithuania	Requests for international searches are made through National Interpol/Europol Bureau or police liaison officers.	Requests are made through both, paper-based and electronically. The Lithuanian Police Forensic Science Centre is capable of receiving communications through electronic means.	None international database search requests have been made by our country to other EU Member States so far. 18 database search requests have been made by other EU Member States in Lithuania in 2004.
Luxembourg	Not applicable, as the bill of law 5356 has not yet entered into force. Foreseeably, the requests – if not otherwise provided for in relevant agreements – should follow the normal transmission channels of MLA.	Not applicable, as the bill of law 5356 has not yet entered into force. A computerised system is currently being set up and all technical possibilities granting sufficient security are being explored.	Not applicable, as the bill of law 5356 has not yet entered into force.
Malta	Not applicable at this stage. However it is indicated that channels used must meet the Data Protection security requirements.		

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Netherlands	The only way is a request for international legal assistance (letter rogatory). The public prosecutor assesses the request and if it is in conformity with national legal standards, the NFI is requested to carry out the comparison of profiles. The results of the comparison are reported back to the public prosecutor who reports to his colleague abroad.	Both are possible	No statistics exist on requests made. But the requests received are recorded: between 30 and 40 cases per year
Poland			
Portugal			
Slovakia	Interpol NCB	paper – based only	300-400
Slovenia	Through Interpol NCBs	The requests are made through paper-based and electronically. The capacity to receive communications through electronic means is 24/7 – the global communication system of Interpol	There is no statistics of international database search requests made by Slovenia, but it is estimated that they are around 15 annually, and about 100 of search requests made by other EU Member States to Slovenia.
Spain	Individuals profiles (not massive searches) via Interpol and direct contact with Police authorities. Prüm Treaty will began this year.	Electronically	No statistics
Sweden	Through the NCB (Police) and Interpol	So far the requests have been paper-based but we have capacity to receive electronic communications.	The annual number of requests from Sweden to other EU Member States is below 10. Sweden receives about 100 annual requests from other EU Member States.
United Kingdom	Interpol London NCB's only and they will use Interpol 24/7	By e-mail and using Interpol 24/7	44 requests (61 profiles) received in year 2003/4

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 5	Bilateral agreements	
	5.1 Are there specific bilateral cooperation agreements between your country and other(s) EU Member state(s) allowing mutual consultation of your DNA databases and/or the exchange of profiles?	5.2 If so, specify the main provisions of these agreements
Austria	<p>1. Convention Austria - Germany on the cross-border cooperation in the area of prevention of dangers by the police and in criminal matters; close to parliamentary approval;</p> <p>2. Negotiations with DE, NL, and LU on multilateral agreement on the cooperation in the field of DNA, fingerprints and further areas of police cooperation in advanced stages;</p> <p>Intention to conclude an agreement with Interpol (IPGS) on the use of the Interpol DNA data base</p>	<p>Ad 1. Exchange and comparison of DNA profiles via the central police authorities in individual cases of perpetrators, criminal offences, unknown corpses and missing persons likely to have become victims of an accident or crime. Obtaining DNA profiles from suspects not yet stored in a DNA data base and residing abroad via legal assistance.</p> <p>Ad 2. Systematic comparison of DNA profiles in individual cases by direct enquiries in foreign national data bases. Periodic mass comparisons of open scene traces with entire volume of data in foreign national data bases. Obtaining DNA profiles from suspects not yet stored in a DNA data base and residing abroad via legal assistance.</p> <p>Ad 3. Use the anonymous Interpol ASF (automatic search facility) DNA data base by direct storage of DNA profiles of suspects, of unsolved criminal offences, unknown corpses and missing persons.</p>
Belgium	No specific bilateral cooperation agreements.	
Cyprus	The cooperation agreements of Cyprus and all Interpol member countries allow mutual consultation of our DNA data bases and exchange of profiles.	If so, specify the main provisions of these agreements.
Czech Republic	There are no specific bilateral agreements	
Denmark		
Estonia	No	
Finland	Not yet, but there have been some mutual communication about the matter e.g. between Finland and Estonia. No actual exchange of the DNA data has yet been done.	
France	No	

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Germany	Art. 10 of the Conventions with Austria and The Netherlands include the transmission of DNA-data. Both treaties are still being ratified.(Negotiations on an multilateral agreement with regard to cross-border cooperation with Austria, The Netherlands and Luxembourg. The "Schengen III treaty" is expected to be signed in the 22 nd week of 2005.)	Germany and Austria, in accordance with national law, perform mutual legal and administrative assistance in the frame of ongoing criminal inquiries as well as with regard to missing persons or dead bodies.
Greece		
Hungary	No	
Ireland		
Italy		
Latvia	No	
Lithuania	No.	
Luxembourg	No bilateral agreement, but a multilateral Treaty between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross - border crime and illegal migration, signed in Prüm, Germany, on 27 May 2005.	Concerning DNA, it provides for the setting up of national data bases, and an automated search and comparison procedure on a hit / no-hit basis between these national data bases, with the possibility of supply of further personal data according to the national law of the requested Party, as well as the collection of cellular material and supply of DNA profiles on the basis of mutual legal assistance, combined with some specific conditions related to DNA matters (see EU Council doc. 10900/05 CRIMORG 65 of 7 July 2005)
Malta	Local authorities are bound by the relative EU instruments and Europol agreement to co-operate in criminal matters, however there are no <u>specific</u> agreements regarding DNA. According to National Legislation, there are no delimiters on the exchange of information, aside from those under the Data Protection laws	Not applicable

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Netherlands	On March 2nd, 2005 NL and Germany will sign a treaty to enhance police cooperation between themselves. Art 10 of this Treaty will relate to cooperation in the field of DNA investigations. Also in the context of Schengen III discussions are ongoing about this topic too.	<ul style="list-style-type: none"> • Art 10 of the NL-D treaty stipulates that to simplify the communication of results of DNA comparisons on a DNA profiles obtained in one, with those contained in the DNA DB of the other State, a [standardisation will be introduced] on the basis of international standards. This will speed up requests for international legal assistance. Besides, art 10 stipulates that these requests can be exchanged via police channels on the condition they are done by a public prosecutor. The aim is to simplify the international legal assistance procedure. • In the context of Schengen III, the intention is to allow direct on-line access to national DNA-profiles, as well as to the linked characteristics (so-called link data) contained in the DNA-DB of the other MS, to permit comparison with own profiles. However, access to the personal data related to the DNA profiles is explicitly excluded. The intention is to introduce a request for legal assistance after a hit has occurred. In that way, the personal data attached to the DNA profile can be obtained
Poland		
Portugal		
Slovakia	There are no such agreements at the moment, however this may change in the future.	
Slovenia	No	
Spain	Prüm Treaty is expected to be functional by the end of this year.	The profiles will be send to the others States of the Treaty to be search against their Database and there would be an automatic response on a hit/no hit process. In case of a hit an specific procedure would be prepare to exchange the additional information.
Sweden	No	
United Kingdom	No	

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 6		
Technical architecture of your national database		
	6.1 Describe the structure of your database.	6.2 How are the searches conducted?
Austria	WEB users interfaces. Data base Microsoft SQL. Enquiry and Matchtool self development program ++ with C	Interrogation and Matchtool self development program ++ with C There are special search algorithms, automatic error control with reference values and special functions such as tools for mixed traces. In the case of hits automatic confirmation analysis requirement at the institutes concerned.
Belgium	The DNA data is managed using the CODIS system: SQL Server 2000 (network Windows 2000). The administrative data is managed on Access 97 but will be transferred on SQL Server in the current of this year	The algorithms used are those developed for CODIS (Autoseacher et Searcher). We consider only the perfect matches (high stringency) and the matches pure profile/ complex profile (moderate stringency).
Cyprus	The structure of the our Database is Access based.	Automatic upon the entry of a full or partial genetic profile.
Czech Republic	CODIS v. 5.7	See 6.1
Denmark		
Estonia	CODIS software is used for DNA database + MYSQL software for background database (sample data).	Based on CODIS software
Finland	The Finnish DNA database is based on the CODIS architecture. The CODIS software is provided by FBI (The Federal Bureau of Investigation, USA). The CODIS system does not include any personal/additional information on the profiles in the system, but that kind of information is included in an other database.	CODIS search algorithms are used: Stain profiles against suspect profiles and other stain profiles, stain profiles against other stain profiles. It is also possible to do searches against elimination database (staff, police), for quality assurance purposes only
France	Oracle database with WEB architecture.	There is a specific algorithm for genotypes comparisons.
Germany	BS 2000 is currently used. Adjustment to Oracle-data base is planned.	With the numbers via special search algorithms. Only entirely matching hits are offered at the moment. The offering of hits with a certain "fault tolerance" is foreseen for the Oracle data base.
Greece		
Hungary	It is a CODIS database (v 5.7).	It is under development.
Ireland		
Italy		
Latvia	It is planned to obtain CODIS system	As the DNA data base is not functioning yet the answer cannot be given.
Lithuania	It is an Oracle database.	There is specific search algorithm in accordance with standard DNA procedures.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Luxembourg	Own development under way: SQL Server 2005 based with Windows clients.	Matching and interrogation tool with special search algorithms.
Malta	Local authorities intend to create an Access database, however no such structure is presently in place.	Not yet established
Netherlands	CODIS is the application implemented by NFI. It has been built by SAIC on behalf of FBI. The DB is based on MS SQL-server.	The query algorithms are integrated in the applications. It is possible to configure the number of DNA-characteristics (loci) and matching characteristics (loci). It is also possible to categorise profiles allowing a targeted comparison, such as suspects with traces and with mixed traces
Poland		
Portugal	CODIS	
Slovakia	CODIS v5.7 Software	Module Searcher and AutoSearcher
Slovenia	DB 2 IBM	The searches are concluded with fully or partly defined DNA profiles.
Spain	CODIS v. 5.7.1 National DNA Database is fed by profiles obtained by DNA Departments of Guardia Civil and National Police	Module Searcher and AutoSearcher
Sweden	It is an Oracle database in combination with CODIS.	CODIS
United Kingdom	Oracle platform with Loader (input) and Match reporting database (repository for match information) It is an Oracle 9i database. Profiles are loaded electronically but from CSV files submitted as a batch rather than messaging.	All new profiles added to the Database are automatically searched on loading against all profiles held. The search regime uses 4 SGM discriminator loci to identify a matching sub-set which is then searched again using the remaining SGM Plus loci. Only exact matches between Subject/crime scene and crime scene/crime scene are reported immediately (failed or rare alleles are treated as wild 'cards'). Subject/subject matches are reported periodically. One-off 'snapshot' speculative searches of sample profiles that do not meet the criteria for loading to the Database are also carried out using the same search regime. 'Familial searches' are also carried out to help identify potential relatives of offenders whose profiles are not on the Database A monthly search is also carried out for 'near matches' that differ by only 1 allele; these are then investigated to see if there has been an error in the profiling

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 6	Technical architecture of your national database	
	6.3 What types of classifications do you use for the records?	6.4 What DNA markers do you use in casework and on your DNA Database?
Austria	Personal profiles of criminal offenders, unsolved criminal offences with offences, scene, hit connections. Details on offenders can be filtered for instance for statistical purposes in connection with verbal data base. In trace data base master data (bar code number of the trace, file number, authority, evaluation status and the quality, profile values, confirmation status, statistics)	11 SGM plus of profile values inclusive Amelogenin
Belgium	No distinction is made, except between the "convicted" files and the "forensic" files	DNA markers used on the ground and in our DNA database The database is based on the European Set of Standards. All the other systems are accepted in as far as they are published and are described in an international classification. Comparisons are often carried out therefore on the basis of ten loci.
Cyprus	Crime stain, convicted individuals, missing persons, staff elimination	The following chromosomes and loci are typed with the PowerPlex-16 system: 3 (D3S1358), 12 (vWA), 4 (FGA), 8 (D8S1179), 21 (D21S11), 18 (D18S51), 5 (D5S818), 13 (D13S317), 7 (D7S820), 11 (THO1), 15 (Penta E), 16 (D16S539), 5 (CSF1PO), 21 (Penta D), 2 (TPOX) and amelogenin.
Czech Republic	Index classification of CODIS	PowerPlex 16 plus additional D2S1338 and D19S433
Denmark		
Estonia	Suspects, crime scenes.	Markers included in the SGM Plus Kit
Finland	Suspects and crime scene samples (forensic unknown)	10 autosomal STR loci and Amelogenin (ABI, SGM Plus kit)

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

<p>France</p>	<p>Classifications :</p> <ul style="list-style-type: none"> - definitive convicted person (706-55 CPP) 40 years storage - suspect «serious and tallying clues» article 706-54 al.2 CPP, 25 years storage - suspects « plausible reasons» article 706-54 al. 3 CPP - non solved traces from scene of crime whose author has not been identified. 40 years storage - non identified bodies and disappeared persons under the legal framework of searching the causes of death or disappearance (art 74, 74-1 et 80-4 CPP). 40 years storage and 25 years for parents of disappeared persons or till the discovery of the person. 	<p>DNA Markers :</p> <p>Persons allowed to proceed to DNA identification analyse STR (short tandem repeats) thanks to PCR method (polymerase chain reaction). In the framework of their expertise activity, they can freely choose the markers, but in order to transmit the results to the FNAEG, article 38 of the 18th May 2000 order , completed with the 14th February 2002 order lists the DNA markers as such:</p> <ul style="list-style-type: none"> • LOCI • D3S1358 • VWA • D16S539 • D2S1338 • Amélogénine • D8S1179 • D21S11 • D18S51 • D19S433 • THO1 • FGA • D5S818 • D13S317 • D7S820 • TPOX • CSF1PO • Penta D • Penta E <p>- 7 mandatory markers + amelogenin (article A38 du code de procédure pénale). - 10 optional markers For profiles of individuals, 8 markers must be registered. They could be increased to 13 For traces, 4 markers at the minimum must be given. Mixed traces are not registered up to now..</p>
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REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Germany	Suspects and convicted persons for certain serious offences, scene of crime. Missing persons and unidentified bodies are part of a separate database.	SE 33, D21S11, VWA, TH01, FIBRA (FGA), D3S1358, D8S1179 und D18S51 + Amelogenin
Greece		
Hungary	Suspects, Crime scene, Missing persons, Relatives of missing persons, Unidentified human remains.	Suspects are typed for all 13 CODIS loci, crime scene samples - for traditional reasons - are typed for Profiler Plus loci.
Ireland		
Italy		
Latvia	As the DNA data base is not functioning yet the answer cannot be given	DNA markers which are used in <u>casework</u> : SGM Plus kit: D3S1358 vWA D16S539 D2S1338 D8S1179 D21S11 D18S51 D19S433 TH01 FGA Amelogenin The same markers will be used for the DNA data base
Lithuania	Suspects (including individuals awaiting trial) and crime scene.	The following DNA markers are used in casework and on the DNA Database: VWA, TH01, D21S11, FGA, D8S1179, D3S1358, D18S51, AMEL., D16S539, D2S1338, D19S433.
Luxembourg	If the bill of law 5356 will be adopted in its current version, no distinction would be made, except between "convicted" persons on the one hand (DNA data base of sentenced persons) and "suspected" persons (implicated in an ongoing investigation) on the other hand (DNA forensic data base).	A draft grand-ducal regulation, which aims to execute in future the bill of law 5356 (which may only enter into force after the adoption of that bill of law) provides for seven mandatory loci (those provided for by the European Standard Set). Additionally the following markers may be used: TPOX / CSF1PO / D13S317 / D7S820 / D5S818 / D16S539 / CD4 / SE33 / D2S1338 / D19S433 / Penta / Penta D as well as the "amelogenin".
Malta	The following fields would be developed: Suspects–Convicted–Crime Scene–Unidentified Persons	Malta currently uses the same markers that are used in the United Kingdom

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Netherlands	Profiles are subdivided in categories, i.e. convicts, suspects, traces and mixed traces	At this moment the standard SGM+kit (10 markers and one gender marker) is being used. Among the 10 markers are 7 of the European standard set, as laid down in annex 1 of the Resolution of the Council of 25 June 2001 concerning DNA analytical results
Poland		
Portugal	Crime scenes	
Slovakia	<i>Suspect, Convicted Offender, Forensic, Missing Person, Victim, Biological Mother.....</i>	<i>we use PCR amplification kits: PowerPlex 16 System, Identifiler</i>
Slovenia	Crime scene and suspect.	SGM Plus.
Spain	CODIS 5.7.1.	Identifiler. It's necessary a minimum of eight markers (ten in mixtures) to be included in the Database.
Sweden	Trace from crime scene, suspects and convicted.	SGM+, Profiler.
United Kingdom	Subjects- no details relating to the offender's status or the offence for which a sample was taken are stored on the Database, but these details could be obtained from the Police National Computer Crime stains- offence codes are recorded	SGM and SGM plus

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 6	Technical architecture of your national database		
	6.5 How are these markers ordered on your DNA Database?	6.6 How long does each search of your database take?	6.7 Please identify the number of searches per time ratio that your database is able to deal with
Austria	Table in data base (text fields).	Single inquiries are possible within milliseconds. Inquiry 50,000 against all 50,000 in approx. 30 minutes	
Belgium	Information that we do not have in our possession.	Autosearcher is carried out in a few minutes. Specific searches take a few seconds.	We do not have this data. The limiting time is for the moment the human factor, having regard to the enormous necessary administration.
Cyprus	The order of the markers can be changed.	5-10 seconds.	60-150 searches per hour.
Czech Republic	As in CODIS v. 5.7	A few minutes.	As in CODIS v. 5.7
Denmark			
Estonia	Amelogenin and then SGM Plus Kit order for autosomal markers	About 0.5 hours.	Currently two-three searches per week
Finland	Only the markers included in the SGMPlus Kit will be searched. That will cover all the ESS (ISS) markers. The standard order set in ten SGMPlus Kit	The search/comparison between all profiles in the database is now routinely done at least once a week. The actual searching process will take about half an hour, at this moment.	At this moment (with about 38 000 person profiles and 7800 crime scene profiles in the database) the searches could be done even every day, but if the profiles in the database increases dramatically, it means that the time required for full searches will increase. A full search per weak will be a realistic goal.
France	The software has a specific thumbnail relating to the DNA profile which encompasses all the markers of article 38 which can be registered.	It can vary accordint to the use of the FNAEG or the CODIS, of the level of charge of the database, of the number of requests	It is not possible to give such a ratio. Mulitple searches can be performed at the same time.
Germany	As stated in 6.2 + 2 numbers/data record	30 seconds	100/one hour
Greece			
Hungary	Profiler Plus + Cofiler loci	Currently no figures are available	Currently no figures are available

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Ireland			
Italy			
Latvia	Via the legal representative of the Applied Biosystems Inc.	As the DNA data base is not functioning yet the answer cannot be given	As the DNA data base is not functioning yet the answer cannot be given.
Lithuania	The markers are ordered as follows: VWA, TH01, D21S11, FGA, D8S1179, D3S1358, D18S51, AMEL., D16S539, D2S1338, D19S433.	Instantly.	The database performs 50 000 comparisons per second.
Luxembourg	Under development; 3 main tables with the profiles, plus additional tables for standard values; allele values stored in text fields.	Under development.	As the DNA data base are not yet operational, the answer cannot be given.
Malta	Not applicable	Not applicable	Not applicable
Netherlands	D3S1358, VWA, D16S539, D2S1338, AMEL, D8S1179, D21S11, D18S51, D19S433, HUMTH01, FGA	On the available 27K profiles one query takes one second	This has never been tested. Speed has never been a limiting factor in the business process.
Poland			
Portugal			
Slovakia	By our options	1-2 seconds	
Slovenia	D3, VWA, D16, D2, D8, D21, D18, D19, TH01, FGA, XY.	Reaction time of the database is 0,1 second CPU.	The system enables app. 3000 searches at the same time.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Spain	D8S1179 D21S11 D7S820 CSF1PO D3S1358 TH01 D13S317 D16S539 D2S1338 D19S433 vWA TPOX D18S51 AMEL D5S818 FGA	Autosearcher is carried out in a few minutes. Specific searches take a few seconds.	CODIS 5.7.1
Sweden	Not possible to describe	Maximum 5-10 s	We have not found the limit for the number of searches.
United Kingdom	<u>VWA</u> ; TH01; AMEL; D8; <u>FGA</u> ; D21; D18; D2; D16; D19; D3	<p>A profile with no fails at the 4 SGM discriminator loci will complete match processing against all 3 million searchable SGM/SGMPlus profiles in about 1 second - sometimes a little more, sometimes a little less. Some so-called discriminating values are incredibly common e.g. some 845,000 people have the value 28 at D21S11 low.</p> <p>A profile with one or more wildcard - rare or fail - at a discriminator locus will take about 1.5 minutes to compare to the rest of the database. A wildcard - rare or fail - at a non-discriminator will not generally make any appreciable difference to performance.</p> <p>From a performance perspective, if the discriminator loci were not present, the match process could not perform a first pass to identify likely matches, so performance would be slow.</p>	About 2000 profiles are loaded per day and are easily accommodated within a 24 hour period.

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Question 7	Please designate a contact point (French or English speaking) for any further requests for information
Austria	Ministry of the Interior Federal Criminal Investigation Office Office 6.1 – central recognition service 1090 Vienna Rossauer Laende 5 Tel. 0043.1.24836 -85610 Fax: 0043.1.24836 – 85897 E-mail: zed@bmi.gv.at
Belgium	Monsieur Pierre Van Renterghem Chef de section-biologie Institut National de Criminalistique et de Criminologie +32 2 243 46 45
Cyprus	Cyprus Police Headquarters: <u>Laboratory of Forensic Genetics:</u> Marios A. CARILOU, PhD Laboratory of Forensic Genetics, Cyprus Institute of Neurology and Genetics, Cyprus Tel.: +357-22-392651 - Fax: +357-22-392638 - Email: cariolou@cing.ac.cy
Czech Republic	Pavel Kolar , Deputy Director +420 974 824349 e-mail: kolarkup@mvcv.cz Martina Chocová , M.Sc., genetic specialist +420 974 824 393 (any questions concerning genetic matters)
Denmark	
Estonia	Anu Aaspõllu DNA Expert Head of Chemistry and Biology Department Forensic Service Centre, 328 Pärnu Rd, 11611 Tallinn, ESTONIA Phone: +372 612 53 20 Fax: +372 612 53 09 e-mail: anu.aaspollu@kekk.pol.ee

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Finland	Forensic chemist Matti Karjalainen Tel. +358 9 83886373 e-mail matti.karjalainen@krp.poliisi.fi
France	Le FNAEG est géré par la Direction Centrale de la police judiciaire par l'intermédiaire de la sous direction de la police technique et scientifique, service central d'identité judiciaire. En qualité de directeur d'application, le responsable du FNAEG est : Commissaire divisionnaire Philippe MALLET , Chef du service central d'identité judiciaire, Sous Direction de la Police Technique et Scientifique, Direction Centrale de la Police Judiciaire, 31 avenue Franklin Roosevelt, 69134 ECULLY CEDEX France. Concernant le SCPPB, le responsable est : Capitaine Frédéric BRARD Centre technique de la gendarmerie nationale (CTGN) Institut de recherches criminelles de la Gendarmerie nationale (IRCGN) Service central de préservation des prélèvements biologiques 1, boulevard Théophile Sueur 93111 Rosny Sous Bois Cedex 00 33 1 58 66 58 58
Germany	für Fragen zur <u>DNA-Analyse-Datei</u> : Herr Bachmann , ZD 22-4, Telefon: 0049-611-55-12766, E-Mail: alexander.bachmann@bka.bund.de für Fragen zur <u>kriminaltechnischen DNA-Analyse</u> : Herr Dr. Schmitter , KT 31, Telefon: 0049-611-55-12661, E-Mail: hermann.schmitter@bka.bund.de .
Greece	
Hungary	János Woller Institute for Forensic Sciences Department of Haemogenetics H-1903 Budapest, Hungary, P.O. Box 314/4 Phone: +36-1-441-1474 Fax: +36-1-441-1473 E-mail: janos.woller@mail.orfk.b-m.hu

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Ireland	
Italy	
Latvia	<p>Līga Peisniece, Deputy Director ph. +3717208281 fax +3717208477 e-mail: liga.peisniece@ec.vp.gov.lv Forensic Service Department, State police, 72b Bruninieku Str. Riga LV 1009, LATVIA</p> <p>Aivars Ozols, Deputy Chief Ph. +3717208244 Fax +3717208219 e-mail: aivars.ozols@ic.iem.gov.lv Information Centre of the Ministry of the Interior, 72b Bruninieku Str. Riga LV 1009 LATVIA</p>
Lithuania	<p>Mr. Giedrius Birmontas Deputy Director of the Lithuanian Police Forensic Science Centre, Liepyno 11A, LT-08105, Vilnius, Lithuania Telephone: +370-5-2719662, Email: giedrius.birmontas@vrm.lt</p>
Luxembourg	<p>Ministry of Justice, Department of Public Security Mr Luc REDING, <i>Attaché de Gouvernement premier en rang</i> Centre administratif Pierre Werner 13, rue Erasme L-1468 Luxembourg-Kirchberg tél.: (+352) 478-4555 fax: (+352) 22 05 19 e-mail: luc.reding@mj.etat.lu</p>
Malta	<p>Mr. John Charles Ellul, Inspector Address: c/o Forensic Department, Police General Head Quarters, Floriana, CMR 02. E-Mail: john.c.ellul@gov.mt</p>
Netherlands	<p>Legal questions can be asked to Ms K. van Deudekom (tel 070-3706228, e.mail k.van.deudekom@minjus.nl). Technical questions to be submitted to Mr K. van der Beek ((tel.nr. 8886705; e-mail: k.v.d.beek@nfi.minjus.nl))</p>
Poland	<p>Ireneusz Sołtyszewski Chief of Biology Department Central Forensic Laboratory of the Police, Poland clkbiol@kqp.waw.pl</p>
Portugal	

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

Slovakia	Mr. Ivan Lehocky – Forensic Institute lehocky@keupz.minv.sk
Slovenia	In case of further questions, please contact the Office for European Affairs and International Cooperation at the Ministry of the Interior which will, according to the type of the information needed, direct you to the competent person. Office for European Affairs and International Cooperation e-mail: eu.mnz@gov.si telephone: +386 1 300 94 00 +386 1 300 94 40 fax: +386 1 300 94 34 Head of the Office is Ms. Lilijana Šipec , MA.
Spain	Secretaría de Estado de Seguridad – Head of the Schengen office: cgr@ses.mir.es ; Head of NSIS: aga@ses.mir.es
Sweden	Christina Widén, +46 13 24 16 12 < christina.widen@skl.polisen.se >
United Kingdom	(1) Lyn Fereday email: Lyn.Fereday@homeoffice.gsi.gov.uk & Lyn.Fereday@fss.pnn.police.uk (2) June Guinness email: June.Guinness@fss.pnn.police.uk

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

NOTES

¹ **Austria:** § 67. (1) the DNA of a person may be determined within the framework of an identity examination, if that person is suspected of having committed a dangerous attack committed and if due to this act or the personality of that person it can be expected, that he/she will leave traces while committing further dangerous attacks and these traces would make his/her recognition possible on the basis of the determined genetic information. An identity examination according to § 65 par. 2 may also be made in relation to the DNA of people, as far as this is necessary for the evaluation of existing DNA traces.

(1a) An identification examination in relation to missing persons (§ 65a) and to corpses (§ 66) may also include the determination of (their) DNA.

(2) Genetic information generated by an identification examination, may be evaluated exclusively for the purposes of the identification examination. The molecular-genetic investigation has to be made via a service provider, to whom the entire investigation material has to be transmitted, however no identification data of the person concerned shall be transmitted (to the service provider)..

(3) The police authorities have to take contractual precautions ensuring that the service provider examines only those areas of the DNA, which aim at the recognition, and that the service provider destroys the investigation material, if the police authority is obliged to delete the identification data. § 75 SPG reads: Central recognise-official evidence

§ 75. (1) The police authorities are authorized to process identity data collected in accordance with §§ 65 paragraph 1, 65a and 66 paragraph 1, existing identity data (§ 65 paragraph 6) and the reason why the data was collected in a central police records data base.

(2) The police authorities are authorized to use the data stored by them in a central police records data base. Transmissions of the data processed in accordance with paragraph 1 are permissible to authorities for purposes of the state police, of the criminal jurisdiction and in other fields of the security management, as far as this is necessary for purposes of recognition. In all other respects transmissions are permissible, if for this an express legal authorization exists."

² **Finland:** COERCIVE MEASURES ACT: Amendments 27.3.2003/646 Chapter 6 Other coercive measures Section 5: Analysis and recording of DNA profiles (27.6.2003/646)

A suspect may be subjected to a bodily search for the purposes of analysing his/her DNA profile when the maximum punishment provided for the offence is imprisonment for at least six months. In order to conduct the duties referred to in section 1, paragraph 1 in the Police Act (493/1995), a DNA profile may be recorded in a police personal data file. A DNA profile containing information on the data subject's other personal characteristics than sex shall not be recorded in a police personal data file. Provisions on the erasure of DNA profiles from a data file are included in the Police Personal Data File Act.

Erasure of DNA-profiles from a Police Personal Data File: A DNA-profile recorded in a police personal data file on the basis of Coercive Measures Act, Chapter 6, Section 5 shall be erased from a file one year after since the controller of the file has received information on the decision made by a prosecutor stating that it is not a question of an offence or there is no evidence of an offence or the fact that the charge

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

pressed against the data subject has been dismissed by a legally valid judgement or the punishment has been nullified. If the profile has not been erased earlier, it shall be erased after 10 years of the death of data subject. The stored samples will be destroyed at the same time when the corresponding DNA-profiles are erased.

³ **France** :La France dispose d'une base de données ADN créée en 1998 (loi n° 98-468 du 17 juin 1998). Cette base est fonctionnelle depuis décembre 2001. Le décret d'application est le décret n° 2000-413 du 18 mai 2000. Ce décret crée le Service Central de Préservation des Prélèvements Biologiques (SCPPB) dont le rôle est de conserver les scellés biologiques à partir desquels les profils génétiques enregistrés dans la base ont été déterminés. La base ADN française appelée Fichier National Automatisé des Empreintes Génétiques (FNAEG) est donc composée de deux volets : la base elle-même et le SCPPB pour ce qui concerne la conservation des scellés correspondants.

⁴ **France** La base ADN française est une base de données nationale alimentée par les enquêteurs de la gendarmerie et ceux de la police nationales. Les prélèvements provenant des DOM TOM sont également concernés.

⁵ **Hungary**: The database contains data for individuals who have been suspected of committing any crime belonging to the following crime categories: 1., punishable with five or more years of imprisonment, 2., related to international criminal activity, 3., sexual assault with violence, 4., against juveniles, 5., committed in series or in organised form, 6., related to drugs or substances qualifying as drugs, 7., related to money or securities forgery, 8., committed with arms, 9., crimes against the nation, terrorism, violation of international legal liabilities, abuse of nuclear energy, money laundering, crimes committed at service forces and preparation for terrorist activity. The database contains data for crime scene samples too.

⁶ **Latvia**: The following Draft Regulations of the Cabinet of Ministers are prepared and waiting for approval:

- Regulation on procedures for submitting information to the DNA data base and collecting of DNA samples;
- Regulation on procedure for submitting to the DNA data base and registration of information on relatives of missing persons;
- Regulation on procedure for obtaining information from the DNA database
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⁷ **Malta** Malta does not have a Forensic DNA Laboratory or a Criminal DNA database. Throughout the years the Malta Police Corps sought Forensic DNA services from abroad, in particular from established Forensic Services in the United Kingdom. Successes achieved as a result of DNA evidence has pushed local authorities into realizing the need of setting up a National Database. Malta's small size however, rules out the need for regional databases. DNA evidence may be used in the light of the legislation cited hereunder:

Sec 73 Chapter 164 of the Laws of Malta (Police Act)

73. (1) The Police may hold, process and classify any information relevant to the commission of any crime in or outside Malta which information

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

may be preserved by any system whatsoever, including in electronic format, subject to the provisions of any law on the protection of data.

- (2) Such information may relate to fingerprints, photographs, measurements, blood-samples, intimate or non-intimate samples, patterns of criminal behaviours and methodology in the perpetration of an offence and similar details for the purposes of any future identification of offenders.
- (3) The Police may, for the purpose of establishing evidence in the investigation into any criminal offence, compare any such information with any other information that may become available to it.

⁸ **Sweden** : The DNA profiles of persons convicted of serious crimes against a person's life or health, personal integrity or security or crimes involving public danger, are inserted in our national DNA database if the crime can lead to an imprisonment for more than two years. The database only includes DNA profiles regarding the identity.

⁹ **United Kingdom** , containing subject sample and unsolved crime scene sample profiles for England, Wales and Scotland; Scotland and Northern Ireland also have DNA Databases for their own countries.

¹⁰ **Austria**: Access and comparison are made exclusively centrally. The storage of DNA is made by the forensic institutes Innsbruck, Salzburg and Vienna on behalf of the BMI. The institutes do not get any personal data, but only the biological samples in an anonymous form for the purpose of their evaluation. Information further to hits from the data base are transmitted to domestic and foreign security and judicial authorities for the purposes of the state police and the criminal jurisdiction.

¹¹ **Belgium** : dans le cadre d'une enquête, le ministère public ou le juge d'instruction peuvent designer un expert attaché à l'INCC ou à un laboratoire agréé pour comparer des profils ADN de cellules découvertes ou prélevées avec des données contenues dans les banques de données

¹² **Finland**: The DNA Database is a part of a national police database covering personal data of persons suspected and/or convicted of crimes. The Ministry of the Interior is responsible of the database.

¹³ **France** : Il existe également un comité de contrôle composé d'un magistrat du parquet hors hiérarchie assisté de trois spécialistes (un magistrat, un informaticien et un généticien) qui s'assure du bon fonctionnement du fichier conformément à la législation en vigueur.

¹⁴ **Netherlands**: The latter oversees the destruction of DNA-profiles and organic material within the period foreseen by law. He is not responsible however for assessing the lawfulness of the supply of organic (cell) material and the profiles obtained on the basis of that material. This responsibility remains with the authority that ordered the DNA investigation, i.e. public prosecutor or the 'juge d'instruction'

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

¹⁵ **Netherlands** NFI will only provide data from the DNA database and the central register for specified purposes to:

- judicial authorities responsible for prosecution and those who sit on trials
- certain officials of police and gendarmerie
- the national central police organisation
- the Central Judicial payment office

¹⁶ **United Kingdom** The Database is a police intelligence database and as such information from the Database, largely in relation to matches obtained between subject sample profiles and crime scene sample profiles, and one crime scene sample profile with another, is made available to police forces. Management information derived from the Database is also provided to the profiling laboratories and police forces, to assist with their performance monitoring and development of best practice, and to the Home Office for monitoring the effectiveness of their investment in the Database.

¹⁷ **France** : Dans le cadre de procédures concernant des infractions mentionnées à l'article 706-55 CPP ou dans les conditions fixées par l'article 706-54 al.3 CPP, les officiers de police judiciaire et les magistrats peuvent demander, à l'unité gestionnaire du fichier, soit des enregistrements de profils génétiques dans la base de données ADN, soit de simples comparaisons Enfin la loi du 18 mars 2003 prévoit que les officiers de police judiciaire ainsi que les agents de police judiciaire placés sous leur autorité peuvent directement consulter le fichier sur la base du simple état civil afin de s'assurer que la personne qu'ils s'apprêtent à prélever ne figure pas déjà dans la base de données. Le FNAEG, est soumis par ailleurs au contrôle de l'autorité judiciaire, par l'intermédiaire de la Commission de contrôle citée supra

¹⁸ **Netherlands** Such information can be, for instance, that the organic material obtained at a crime scene reveals the DNA-profile of a known or unknown suspect or that the DNA-profile in different criminal cases relates in fact to the same person. When NFI knows the name, DOB, POB and country of origin, it will also forward those data to the national central police organisation. However, when these data are not known, other material that can corroborate the identity will be provided to the central police organisation. The intention behind this approach is that by recording this as well as other information found in the context of hitherto unresolved crime cases, in a national Traces database, and cross-checking it, these cases can be resolved too

¹⁹ **Netherlands** The purpose of providing the data to the Judicial Payment office is to allow it to integrate the data in the Persons Reference Index (VIP) that is managed by the Office. The integration of these data will allow the judiciary and certain police and gendarmerie officials to verify automatically under the conditions established by law and without involvement of the NFI, whether or not DNA-profiles are recorded in the DNA-DB

²⁰ **Belgium** Les recherches ne rencontrant pas les termes de l'article 44 ter, §1^{er}, alinéa 1^{er} du Code d'instruction criminelle ne peuvent

REPLIES TO THE QUESTIONNAIRE ON NATIONAL DNA DATABASES

également être effectuées. Cet article est libellé comme suit : « *L'analyse ADN de comparaison au sens du présent code vise uniquement à comparer des profils ADN d'échantillons de cellules humaines découverts ou prélevés afin de pouvoir identifier directement ou indirectement des personnes concernées par une infraction. Cette analyse de comparaison ne peut porter que sur des segments d'ADN non codants.* »

Il faut signaler qu'il n'existe pas de banque de données de suspects et qu'il est impossible de comparer le profil d'une trace litigieuse à une telle banque de données.

- ²¹ **France** « *Art. 706-55.* - Le fichier national automatisé des empreintes génétiques centralise les traces et empreintes génétiques concernant les infractions suivantes :
- « 1° Les infractions de nature sexuelle visées à l'article 706-47, ainsi que le recel de ces infractions ; « 2° Les crimes d'atteintes volontaires à la vie de la personne, de torture et actes de barbarie et de violences volontaires prévus « 3° Les crimes de vols, d'extorsions et de destructions, dégradations et détériorations dangereuses pour les personnes « 4° Les crimes constituant des actes de terrorisme prévus par les articles 421-1 à 421-4 du code pénal

- ²² **United Kingdom** See the National Police (Recordable Offences) Regulations 2000. These are crimes that are punishable by a term of imprisonment and listed in the National Police (Recordable Offences) Regulations 2000.

- ²³ **France** Toutefois, et il est rappelé qu'il doit y avoir compatibilité en ce qui concerne le champ d'application du fichier français et celui du pays chargé de la comparaison (nature de l'infraction, autorisation de la parentèle pour les comparaisons avec la base globale, non enregistré dans une base étrangère). Il faut aussi résoudre les problèmes relatifs au type de réponse qui sera effectué, aux conditions de la recherche, aux suites en cas de correspondances.

- ²⁴ **Latvia** According to the law on national DNA database (Article 8), information on DNA profiles of non-citizens, foreigners residing in Latvia, stateless persons and refugees are submitted to the DNA database in accordance with international agreements binding to the Republic of Latvia.

- ²⁵ **Slovenia** The police may, if this is necessary in order to carry out legally determined police tasks, communicate collected personal and other data to foreign authorities or international organisations at their request or upon their own initiative, provided that the principle of reciprocity exists.

Before personal data are communicated to the authorities from the preceding paragraph, the police must be assured that the country to which the data are being sent has a regulated personal data protection system and that the body of a foreign country or international organisation will use personal data only for the purposes set forth in this Act.