Fears raised over access to children's database

By Rosemary Bennett, Social Affairs Correspondent Times September 21st 2006

THOUSANDS of town hall officials, charity workers and even careers advisers will be given access to the new national children's database, raising doubts about its confidentiality.

The Times has learnt that permission to use the Information Sharing Index has been extended beyond social workers, doctors and teachers to include a wide range of civil servants and children's services.

Any voluntary group that provides services to local authorities or primary care trusts can apply for access, as can local education authority officials. The huge number of accredited users will be challenged by children's charities.

Government officials say that access will be tightly patrolled. Authorised users will have to apply for an access number before using the system and tell their local authority why they need access.

The Information Sharing Index will be available in 2008 and will contain details of every child in England and Wales.

Ministers say that details on all families are needed so that children's services can contact one another. Details held will include name, address, school, GP details, and other medical, educational or children's services in contact with the child.

The decision to set up the database was made after the inquiry into the death of Victoria Climbié in 2000, which uncovered communication problems between schools, social workers and GPs.

Times August 31st 2006 Child database that shields celebrities runs foul of law

By Alexandra Frean

A PLAN to hold details of every child in England on an electronic database were under threat last night after concerns were raised about its legality and security.

The Information Commissioner said that the database, known as the Information Sharing Index, could contravene data protection laws because parents will not be given a say over whether information on it can be passed to a third party and to whom it can be passed.

Although the Government has repeatedly emphasised that the database will include every child, not only those thought to be at risk, it also emerged last night that the Government plans to allow some children to be opted out.

In a debate in the House of Lords in March, Lord Adonis, the Education Minister, said: "Children who have a reason for not being traced — for example, where there is a threat of domestic violence or where the child has a celebrity status — will be able to have their details concealed."

His comments, which went unreported at the time, are bound to raise concerns about the integrity of the scheme.

Up to 400,000 social workers, and other professionals will have access to the database, which was set up in response to the Victoria Climbié child abuse inquiry. The purpose of the index is to allow public service professionals to share information about children they believe to be at risk of harm.

The index will not contain any details of alleged abuse or harm. Instead teachers, social workers and health professionals will be able to place a flag or marker by the name of any child they have concerns about. They will then be able to see if others have done the same and, if so, will be able to contact them directly to discuss concerns. The database will be accessible only by using a PIN and a pass word.

In a report leaked to the *30 Minutes* programme on Channel 4, the Information Commissioner expressed concern that the index will breach data protection laws because parents will have no say over the passing on of information about their children.

A spokesman for the Department for Education and Skills said that Lord Adonis had said that the children of celebrity parents, or the children of violent parents, could have their address removed if the police thought it appropriate.

"There will be extremely strict controls," the spokesman said. "No one other than practitioners will be able to access information, which will be minimal and is about allowing practitioners to make contact with each other when necessary."

This was all predictable if anyone knew of the consequences of the Criminal Justice Act 2003, Yes, Big Brother is here;

UK DNA database to grow dramatically under the Criminal Justice Act 2003

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The Criminal Justice Act 2003 (hereafter 'CJA') further widens the circumstances in which a non-intimate sample may be taken from an individual. The Act merely requires that in order to take a non-intimate sample without consent, a person is arrested for a recordable offence - a significant advancement on the requirement that the individual was charged with a recordable offence and one that will encompass countless more individuals.

Section 10 of the CJA 2003 alters the taking of non-intimate samples, but in a rather confusing way. It seems to create two circumstances, that are not mutually dependent on each other, in which non-intimate samples may be taken without consent, one where an inspector approves it and the other where this oversight is not mandatory. Section 63 from the original 1984 PACE Act still remains, which provides that a non-intimate sample may be taken without consent if the individual is being held in custody by the police and an officer of at least the rank of inspector authorises it. The officer may only authorise the taking of the sample where he suspects the involvement of the individual in a recordable offence and he believes the sample will prove or disprove their involvement[1].

However, a new section inserted by CJA 2003 states a non-intimate sample may be taken from an individual without the appropriate consent if "two conditions" are satisfied. The conditions are listed as firstly, the individual is in "police detention in consequence of his arrest for a recordable offence" and secondly, a sample of the same type and from the same part of the body has not already been taken, or if it has been taken, it proved insufficient[2]. The exhaustive and complete nature of the two conditions would suggest that in the latter case the oversight of the inspector is not required to take the sample without consent, even though the individual has only been arrested and not charged.

The Act also amends the circumstances where a sample may be taken from a person under the age of 18. The Police and Criminal Evidence Act 1984 required the consent of an appropriate adult, however this requirement is removed in certain circumstances as defined by section 5 of the Criminal Justice Act 2003[3]. The Act allows for Class A[4]

drug testing of youths between the age of 14 and 18 where they have been charged with involvement in a drugs offence directly or with involvement in a 'trigger offence' constituting 'forms of acquisitive dishonesty offences associated with funding a drug habit' such as theft, burglary going equipped for stealing and offences under the Misuse of Drugs Act 1971[5]. Where the youth is under 17, the request of a sample, the

warning of adverse inferences in the instance of a refusal and the taking of a sample must be in the presence of an appropriate adult[6].

By virtue of the Criminal Justice and Police Act 2001, which allowed for the retention and use for the prevention and detection of crime of all samples obtained from individuals who are not suspected of committing an offence, samples obtained in the new circumstances of arrest or charge as outlined by the CJA 2003 will be subject to this treatment too.

The expansion of the DNA database to incorporate individuals merely arrested for recordable offences has led to allegations that the UK Government is building a National DNA Database by stealth and thus avoiding all open debate on such a controversial policy. Figures revealed by the Home Office in 2005[7] show that over three and a half million individuals have DNA samples contained on the DNA database.

	Number of profiles relating to:	**Number of profiles relating to:**
	individuals at the end of financial year	**crime scenes held at end of financial year**
2000 - 01	1,186,000	103,000
2001 - 02	1,695,000	142,000
2002 - 03	2,102,000	193,000
2003 - 04	2,516,000	228,000
2004 - 05	3,086,000	240,000
2005 - 06	3,596,000	264,000

Of these figures, concerns have been raised that at least 139,463 profiles on the database belong to individuals who have not even been charged or cautioned, including 15,116 volunteer samples[8]. 685,748 DNA samples on the database belong to children between the age of 10 and 17[9] – 24,000 of whom are innocent of any criminal offence[10].

[1] PACE 1984, Section 63(3) and (4)

[2] CJA 2003, Section 10(2)

[3] by inserting a new Section 63B into PACE

[4] A full list of class A drugs may be accessed at the Misuse of Drugs Act 1971, Schedule II Part I. Common examples include cocaine, crack, ecstasy (MDMA), heroin, LSD, morphine, opium and methadone.

[5] “Blackstone’s Guide to the Criminal Justice Act 2003” by Richard Taylor, Martin Wasik and Roger Leng, Oxford University Press 2004, page 7.

[6] PACE 1984, Section 63B(5A) as inserted by CJA 2003, Section 5(3)

[7] House of Commons Hansard Written Answers for 16th January 2006, Col. 1092 W. Figures are rounded to the nearest thousand.

[8] House of Commons Hansard Written Answers for 20th December 2005, Col. 2890 W

[9] ibid.

[10] "Police keep DNA files on 24,000 innocent children", The Daily Telegraph, 22nd January 2006

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