

**DNA Database System Oversight  
Committee**

**2019 Annual Report**

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## **Section 1: Membership of the DNA Database System Oversight Committee**

The DNA Database System Oversight Committee consists of six members. The composition of the Committee at the end of 2019 was as follows:

Her Honour Judge Catherine A. Murphy, Chairperson of the Committee (with effect from 14<sup>th</sup> November 2019)

Mr. Chris Enright, Director General, Forensic Science Ireland

Dr. Maureen Smyth, Former Director of DNA in Forensic Science Ireland

Ms. Deirdre Duffy, BL

Mr. John O'Dwyer, Deputy Commissioner, Data Protection Commission

Mr. Tony Quilter, Former Assistant Garda Commissioner and Former Head of the Garda Technical Bureau

\*The Hon. Mr. Justice Matthew Deery, Chairperson of the Committee until November 2019

## Section 2: Chairperson's Statement

I am very happy to present to the Minister for Justice and Equality the Annual Report of the DNA Database System Oversight Committee (the Committee) for the year ended 31st December 2019.

I have held the position of Chairperson of the Committee since 14th November 2019, the position having been held prior to that date by my predecessor, Mr. Justice Matthew Deery and I should like at this juncture to acknowledge the significant contribution made by Judge Deery to the work of the Committee and to thank him for his commitment during his four years as Chairperson.

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

The Committee held four quarterly meetings in the course of 2019 which sought to address the requirements of Section 72 of the Act.

The Committee is of the view that the operation of the DNA Database System has been very successful to date, due in large part to the hard work and professionalism of the Director and staff of Forensic Science Ireland (FSI) and the National Forensic Coordination Office (NFCO). However, the Committee has had and continues to have concerns regarding a number of issues. These concerns are dealt with in greater detail within this report and include the following:

- The continuing lack of adequate space and appropriate environmental conditions and facilities available to FSI. As at 31st December 2019, the contract for the construction of the new facility at Backweston was not signed so that the construction works had not begun. This is a matter of the utmost urgency.
- The Report resulting from the ongoing investigation into the issue of a number of non-submitted DNA samples is awaited. The importance of maintaining the DNA Database in accordance with the highest standards of best international practice cannot be overstated.

- It is essential that appropriate staffing levels are maintained within NFCO to enable its staff to deal with the processing of DNA samples in a timely and effective manner.

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

On behalf of the Committee and on my own behalf, I should like to thank sincerely the Director and staff of FSI as well as the Detective Chief Superintendent and Detective Superintendent and Staff of the NFCO for their assistance and support to the Committee over the course of the year and to me personally, since I became Chairperson.

The Committee is satisfied with the operation of the DNA Database System and its benefits to the investigation of crime.

Catherine A. Murphy

Chairperson

## Section 3: Overview of Forensic Science Ireland

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

In December 2019, the responsibility for the Fingerprints and Documents and Handwriting services transferred from the Garda National Technical Bureau to FSI. This consolidates most laboratory-based forensic work under FSI. FSI currently has 183 staff, including seconded Garda members, scientists and analysts trained in forensic testing and reporting techniques, supported by administration professionals.

Applying DNA technology, FSI contributes to the investigation of a range of crime types including crimes of violence and sexual assault. This technology, along with other forms of trace evidence e.g. paint, glass, textile fibres, is also utilised in cases such as burglaries, robberies, firearms and supply of illegal drugs. A major part of the work of FSI is the identification of illicit drugs for the purpose of prosecutions under the Misuse of Drugs Acts.

FSI is currently based in Garda Headquarters in the Phoenix Park but plans to build a new fit-for-purpose building on the scientific campus at Backweston, Celbridge are well developed. It is hoped that construction work can commence in early 2020.

The Prüm Treaty was established in 2005 to step up cross-border cooperation between EU Member States, particularly in combatting terrorism, cross-border crime and illegal migration. Under Prüm, Member States have an obligation to grant one another automated access rights to suspect and crime stain DNA profiles within their national DNA Databases. The Prüm Treaty also applies to the exchange of fingerprint and vehicle registration data. Details for Prüm sharing are outlined in EU Treaty Council Decision 2008/615/JHA of the 23rd June 2008 and Council Decision 2008/616/JHA of the 23rd June 2008. Each nation involved in sharing of DNA information has a single, centralised National Contact Point (NCP), which in Ireland is FSI. In October 2019, the Prüm data exchange went live with Austria. It is expected that there will be further exchanges with other jurisdictions in course of 2020.

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

FSI is accredited according to ISO17025: 2017 and holds a Gold Excellence through People certification.

## Section 4: Functions of the Oversight Committee

Section 71 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 provides for the establishment of a committee to carry out a range of functions as specified in Section 71 to 74 of the Act, which provide that:

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

The Committee shall oversee—

- (a) the arrangements employed by the Director of FSI in relation to the receipt, handling, transmission and storage of samples taken under this Act for the purpose of generating DNA profiles for entry in the DNA Database System,
- (b) the procedures employed by the Director of FSI in relation to the generation of DNA profiles from the samples taken under this Act, and the quality control and quality assurance of those procedures, to ensure that they comply with international best practice,
- (c) the measures employed by the Director of FSI to ensure that the DNA Database System is not improperly accessed by any person, that the DNA profiles and information entered in the System are used only for the purposes permitted by this Act and that they are not improperly disclosed to any person,
- (d) the means by which the results of searches of the DNA Database System are reported by the Director of FSI to the Garda Síochána, the Ombudsman Commission or a coroner, as may be appropriate,
- (e) the practices and procedures employed by the Director of FSI to ensure that samples taken under this Act for the purpose of generating DNA profiles for entry in the DNA Database System are destroyed, and the DNA profiles generated from those samples are removed from that System, in accordance with *Part 10 of the Act*.
- (f) the practices and procedures employed by the Director of FSI in the operation of *Chapters 2 and 7 of Part 12 of the Act*, and
- (g) the practices and procedures employed by the Director of FSI in the operation of section 4 of the Act.



## Section 5: Work of the Oversight Committee

1. At each meeting of the Committee, detailed statistical information was provided by Forensic Science Ireland (FSI) with regard to the operation of the DNA Database including the numbers of samples taken, the sections of the Act under which the samples were taken, the number of samples and DNA profiles destroyed and also the number and types of cases solved with the assistance of DNA matches. From October 2019, statistics were expanded to include match data as a result of live database sharing under the Prüm Decisions.
2. At the meeting of the Committee on 13th March 2019, statistics provided for 2018 indicated discrepancies between email notifications of DNA samples generated by An Garda Síochána and the physical receipt of samples by FSI. The Committee wrote to the NFCO concerning the non-submitted samples. An examination of processes in place pertaining to DNA was commenced in April 2019.

The Committee was informed at the meeting on 19th June 2019 that some discrepancies identified as a result of the investigation were being reconciled prior to the report being finalised. In FSI, certain procedures were activated to help eliminate some possible causes. The Committee was pleased to attend a constructive meeting with the NFCO on 11th December 2019 where an overview of the draft report and its findings were given. The Committee wish to thank the NFCO for continuing interaction and look forward to studying the report in its entirety once it is finalised in 2020.

3. The Committee continued to monitor staff levels within the NFCO, as a priority, throughout 2019. The Committee wrote to Garda Commissioner Harris on a number of occasions during 2019, expressing concern regarding staffing levels within the NFCO and to request a meeting with him to discuss matters further. A meeting is arranged for Q1 of 2020 with the Chairperson of the Committee and the Committee welcomes enhanced engagement in the future.
4. The Committee continued to monitor security arrangements concerning the DNA Database System. Overall, the Committee is satisfied that a significant amount of the near term work recommended in an independent security report of 2018 has been pursued and complied with over the course of 2019, including the IT work which enabled the activation of Prüm data exchange in October 2019. However, as at 31st December 2019, there is a body of outstanding IT work which should be pursued without delay in order to ensure that FSI is compliant with best international practice. It is expected that much progress will be achieved within the coming year.

5. At each meeting of the Committee, updates were provided in relation to the Prüm Project. The Prüm data exchange went live in October 2019 with Austria. The Committee welcomes the progress of the Prüm Project and the match data as a result of live database sharing with Austria and also the plans for expanding capacity to share with further EU databases in 2020.
  
6. At each meeting of the Committee, updates were provided in relation to the planned construction of the new forensic science laboratory at Backweston. The Committee continues to stress the importance and urgency of progressing same. During the meeting of 23rd October, the Committee undertook a tour of processes from case intake within FSI premises and noted the physical constraints and challenges of operations within the current building.

The Committee wrote to the Minister for Justice and Equality again in November 2019 to highlight their concern. The Minister replied to the Committee on 6th December, assuring the Committee of his support for the commencement of the construction at Backweston at the earliest opportunity.

## Section 6: Findings of the Oversight Committee

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

Findings to date highlight the value of the DNA Database System to fighting crime. The database is being populated with samples taken from persons suspected or convicted of serious crime and from crime scenes. The number of profiles added since the establishment of the database up to the end of December 2019 is 38,747.

Two potential matches can occur when an additional profile is added to the database – a crime stain can match another crime stain, suggesting a link between crimes; or the crime stain can match to a person suggesting a link between the person and the crime. Overall, the DNA Database identified 780 hits in 2019 which assisted in 1,011 cases.

The crime solving capacity of the DNA database continues to grow and at the end of 2019 is 43% (i.e. 43 out of every 100 crime scene samples uploaded onto the database will be linked to a person).

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

The Committee undertook a tour of FSI premises in October 2019 to examine policies and procedures and were satisfied. The Committee has been made aware that a review of the non-submitted samples is underway and that a Report from such review will issue in early 2020. Upon receipt of the said Report the Committee will consider same including how improvements can be made for future best practice. The matter is of great concern to the Committee.

3. The Committee is satisfied with regard to S.72 (2) (c) namely the measures employed by the Director of FSI to ensure that the DNA Database System is not improperly accessed by any person, that the DNA profiles and information entered in the system are used only for the purposes permitted by the Act and that they are not improperly disclosed

to any person. The Committee continues to emphasise the importance of improvement to the security system as an integral part of the FSI IT programme.

4. The Committee is satisfied with regard to Section 72(2)(e), namely the practices and procedures employed by the Director of FSI to ensure that samples taken under the Act for the purpose of generating DNA profiles for entry in the DNA Database System are destroyed and the DNA profiles generated from those samples are removed from that System in accordance from Part 10 of the Act. Statistics in relation to this matter were furnished to the Committee by FSI at each of its meetings in 2019 and furthermore the Committee were provided with a presentation on this matter in the course of their visit to FSI in October 2019.
5. Section 72 (2) (f) and (g) relate to the automated searching for and automated comparison of DNA profiles. EU Council Decisions 2008/615/JHA and 2008/616/JHA provide for automated exchange of DNA, fingerprint and vehicle registration data between EU member states. With regard to DNA, live exchange operations began between Ireland and Austria on 2 October 2019.

A bilateral exchange with Austria has been in place since October 2019. 3500 unidentified crime stains on the FSI system were searched against the Austrian Database (which consists of 239,000 reference profiles, being suspects/ convicted offenders). 40,300 unidentified crime stains on the Austrian system were searched against the Irish Database (FSI) (which consists of 25,350 reference profiles, being suspects/convicted offenders). The live data exchange resulted in hits off both databases, demonstrating the importance and effectiveness of the Prüm project moving forward.

FSI plans to begin DNA database exchange with the Netherlands and the United Kingdom in early 2020 with a predicted large amount of hits and data processing, which the Committee will monitor. Furthermore, the following up of cases through Interpol and Mutual Legal Assistance will provide new data on the process as well as an indication of the strength of current legislation.

6. Commitment to the construction of the new forensic science laboratory at the Backweston campus is welcomed. The Committee continued to stress the vital importance of the new forensic laboratory throughout 2019 and by writing to the Minister for Justice and Equality. The Committee is encouraged by the recent contract signature.

7. In order for the DNA Database to achieve its full potential, it is imperative that staff levels within the NFCO are increased to optimum levels as this office plays an integral part in the operation of the DNA database. The discrepancies currently being investigated as part of the non-submitted samples review highlight the importance of due diligence. Additionally, staff shortages have the potential to affect the performance of the database, and NFCO workload is likely to increase substantially with the inclusion of other biometric data in 2020. The database and its ancillary support systems require sufficient resources in order to continue its vital function in aiding the investigation of crime.
8. The Committee met with the NFCO in December 2019 to discuss the preliminary findings of the non-submitted samples review. The Committee was pleased to learn that staffing levels had improved. However, there are still some outstanding vacancies which it is hoped will be filled in 2020. The Committee were advised that many difficulties faced by the NFCO have been a result of staffing levels. The Committee will continue to monitor staffing levels at the NFCO during 2020.

Regarding the non-submitted samples review, the Committee heard that of 55,000 Sample Reference Numbers (SRN), 1% of email notifications are unaccounted for. Non-submitted or unaccounted for samples appear to be largely or in part due to duplicate samples, SRNs generated but no sample taken, some samples taken but not delivered to FSI and samples not receipted within FSI. There are scheduled quarterly meetings between NFCO and FSI, and certain recommendations from the review are being implemented. The Committee will consider the Report in its entirety when it is made available.

## Appendix A

### Section 71-74 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014

#### DNA Database System Oversight Committee

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

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

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

#### Functions of Committee

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

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

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

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

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

(d) the means by which the results of searches of the DNA Database System are reported by the Director of FSI to the

Garda Síochána, the Ombudsman Commission or a coroner, as may be appropriate,

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

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

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

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

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

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

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

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

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

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

## **Cooperation with Committee**

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

(2) The Director and the other members of the staff of FSI shall, for the purposes of *subsection (1)* furnish the Committee with such information as it may request and which, in the opinion of the Committee, is required for the performance of its functions.

(3) The Committee may, whenever it considers it appropriate to do so, request the Garda Síochána and the Ombudsman Commission to furnish information to it that is required for the performance of its functions under this Act.

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

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

## **Annual report of Committee**

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

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

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

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

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



**An Coiste Formhaoirsithe um an  
gCóras Bunachair Sonraí DNA**

**An Tuarascáil Bhliantúil, 2019**

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## **Roinn 1: Comhaltas an Choiste Formhaoirsithe um an gCóras Bunachair Sonraí DNA**

Seisear comhaltaí atá ar an gCoiste Formhaoirsithe um an gCóras Bunachair Sonraí DNA. Is iad seo a leanas a bhí ar an gCoiste ag deireadh na bliana 2019:

An Breitheamh Catherine A. Murphy, Cathaoirleach an Choiste (le héifeacht ón 14 Samhain 2019)

An tUas. Chris Enright, an tArd Stiúrthóir, Eolaíocht Fhóiréinseach Éireann

Dr. Maureen Smyth, iar-Stiúrthóir DNA le hEolaíocht Fhóiréinseach Éireann

An tUas. Deirdre Duffy, BL

An tUas. John O'Dwyer, Leas-Choimisinéir, An Coimisiún um Chosaint Sonraí

An tUas. Tony Quilter, iar-Choimisinéir Cúnta an Gharda Síochána agus iar-Cheannaire Bhiúró Teicniúil an Gharda Síochána

\*An Breitheamh Matthew Deery, Cathaoirleach an Choiste go dtí Samhain 2019

## **Roinn 2: Ráiteas ón gCathaoirleach**

Tá an-áthas orm Tuarascáil Bhliantúil an Choiste Formhaoirsithe um an gCóras Bunachair Sonraí DNA (an Coiste) a thíolacadh don Aire Dlí agus Cirt agus Comhionannais don bhliain dar chríoch an 31 Nollaig 2019.

Táim i seilbh an phoist mar Chathaoirleach ar an gCoiste ón 14 Samhain 2019, post a bhí i seilbh mo réamhtheachtaí, an Breitheamh Matthew Deery roimh an dáta sin agus ag an bpointe seo ba mhaith liom aitheantas a thabhairt don rannchuidiú suntasach a rinne an Breitheamh Judge Deery i leith obair an Choiste agus buíochas a ghabháil leis as a thiomantas le linn na ceithre bliana a chaith sé mar Chathaoirleach.

Déantar foráil, inter alia, le Cuid 9 den Acht um Cheartas Coiriúil (Fianaise Dlí- Eolaíochta agus Córas Bunachair Sonraí DNA), 2014 (an tAcht), a chuimsíonn Ailt 71 - 74, go huile, maidir le bunú an Choiste d'fhonn na feidhmeanna a shanntar dó leis an Acht a chomhlíonadh. Leagtar amach na feidhmeanna in Alt 72 agus áirítear orthu an fhoráil go ndéanfaidh an Coiste formhaoirsiú ar bhainistiú agus oibriú an Chórais Bunachair Sonraí DNA chun sláine agus slándáil an Chórais a choimeád ar bun agus, chun na gcríoch sin, deimhneoidh sé dó féin go bhfuil forálacha an Achta seo i ndáil leis an gCóras á gcomhlíonadh.

Thionól an Coiste 4 chruinniú ráithiúil le linn 2019 inar féachadh le haghaidh a thabhairt ar cheanglais Alt 72 den Acht.

Tá an Coiste den tuairim go bhfuil ag éirí go han-mhaith le hoibriú an Chórais Bunachair Sonraí DNA go dtí seo, go mór mór mar gheall ar obair dhian agus ar ghairmiúlacht Stiúrthóir agus fhoireann Eolaíocht Fhóirínseach Éireann (FSI) agus na hOifige Náisiúnta um Chomhordú Fóirínseach (NFCO). Mar sin féin, bhí inní ar an gCoiste maidir le roinnt saincheisteanna agus tá go fóill. Déantar cur síos níos mionsonraithe ar an hábhair inní sin sa tuarascáil seo agus áirítear na nithe seo a leanas orthu:

- An easpa leanúnach spáis atá leordhóthanach agus na coinníollacha agus saoráidí timpeallachta cuí gan a bheith ar fáil d'Eolaíocht Fhóirínseach Éireann. Amhail ar an 31 Nollaig 2019, ní raibh an Conradh sínithe chun saoráid nua a fhoirgníú i mBacastún agus ní raibh tús curtha leis an obair foirgníochta dá bharr sin. Tá an ní sin thar a bheith práinneach.

- Táthar ag feitheamh ar an Tuarascáil de thoradh an imscrúdaithe atá ar bun maidir le líon samplaí DNA nár cuireadh isteach. Ní féidir an iomarca béime a chur ar an tábhacht a bhaineann leis an Bunachar DNA a chothabháil de réir na gcaighdeán is airde dea-chleachtais idirnáisiúnta.

- Tá sé riachtanach na leibhéal chuí foirne a chothabháil san Oifig Náisiúnta um Chomhordú Fóiréinseach chun a chumasú dá foireann déileáil le próiseáil samplaí DNA ar mhodh tráthúil agus éifeachtach.

Tá forbairt agus rath an chórais ceartais choiriúil ag brath, níos mó ná riamh, ar éifeachtacht agus ar shláine an Chórais Bunachair Sonraí DNA agus ar chumas na gcomhaltaí cuí den fhoireann a bheith in ann freagairt do riachtanais imscrúduithe coiriúla ar mhodh tráthúil agus gairmiúil.

Thar ceann an Choiste agus thar mo cheann féin, ba mhian liom buíochas ó chroí a ghabháil le Stiúrthóir agus le foireann Eolaíocht Fhóiréinseach Éireann mar aon le Bleachtair Ard-Cheannfoirt agus Bleachtair Ceannfoirt agus foireann na hOifige Náisiúnta um Chomhordú Fóiréinseach as an gcabhair agus an tacaíocht a thug siad don Choiste i rith na bliana agus dom féin go pearsanta ó tháinig mé chun bheith i mo Chathaoirleach.

Tá an Coiste sásta le hoibriú an Chórais Bunachair Sonraí DNA agus a mhéid a théann sé chun tairbhe d'imscrúdú na coireachta.

Catherine A. Murphy

Cathaoirleach

## Roinn 3: Forléargas ar Eolaíocht Fhóirínseach Éireann

Is oifig ghaolmhar de chuid na Roinne Dlí agus Cirt agus Comhionannais í Eolaíocht Fhóirínseach Éireann (FSI). Oibríonn Eolaíocht Fhóirínseach Éireann chun anailís eolaíochta chuimsitheach, tuairim shaineolach neamhspleách, comhairle agus oiliúint, chun tacú leis an gcóras Ceartais Choiriúil in Éirinn, a chur ar fáil de réir na gcaighdeán idirnáisiúnta is fearr. Saotharlann Fóirínseolaíochta Éireann a tugadh uirthi ar dtús, tar éis a bunú sa bhliain 1975 chun seirbhís eolaíochta a sholáthar don Chóras Ceartais Choiriúil trí anailís a dhéanamh ar shamplaí arna gcur isteach ó láithreacha coireanna agus trí fhianaise shaineolach a sholáthar i dtrialacha coiriúla. I mí an Mheithimh 2014, leathnaíodh scóip Eolaíocht Fhóirínseach Éireann faoin Acht um Cheartas Coiriúil (Fianaise Dlí-Eolaíochta agus Córas Bunachair Sonraí DNA), 2014. Faoin Acht, ainmnítear Eolaíocht Fhóirínseach Éireann mar choimeádaí an bhunachair sonraí agus athainmníodh Saotharlann Dlí-Eolaíochta na Roinne Dlí agus Cirt mar Eolaíocht Fhóirínseach Éireann chun an fheidhm níos leithne sin a aithint.

I mí na Nollag 2019, aistríodh an fhreagracht i leith seirbhísí Méarlorg agus Doiciméid agus Lámhscríobhneoireacht ó Bhiúró Náisiúnta Teicniúil an Gharda Síochána chuig Eolaíocht Fhóirínseach Éireann. Leis sin, comhdhlúthaíodh formhór na hoibre fóirínseach a dhéantar sa tsaotharlann faoi chúram Eolaíocht Fhóirínseach Éireann. 183 an líon foirne atá ag Eolaíocht Fhóirínseach Éireann faoi láthair, lena n-áirítear comhaltaí den Gharda Síochána ar iasacht, eolaithe agus anailísithe atá oile i dtástáil fhóirínseach agus teicnící tuairisceoireachta, agus gairmithe riaracháin ag tacú leo.

Trí theicneolaíocht DNA a chur chun feidhme, rannchuidíonn Eolaíocht Fhóirínseach Éireann le himscrúduithe maidir le réimse de chineálacha coireanna lena n-áirítear coireanna lena mbaineann foréigean agus ionsaithe gnéasacha. Baintear úsáid as an teicneolaíocht sin freisin, mar aon le cineálacha eile rianfhianaise e.g. péint, gloine, snáithíní teicstíleacha, i gcásanna ar nós buirgléireachtaí, robálacha, airm tine agus soláthar drugaí mídhleathacha. Baineann cuid mhór d'obair Eolaíocht Fhóirínseach Éireann le drugaí aindleathacha a aithint le haghaidh ionchúisimh faoi na hAchtanna um Mí-Úsáid Drugaí.

Tá Eolaíocht Fhóirínseach Éireann lonnaithe faoi láthair i gCeannteathrú an Gharda Síochána i bPáirc an Fhionnuisce ach tá forbairt déanta ar phleananna chun foirgneamh nua a bheidh oiriúnach don chuspóir a thógáil ar an gcampas eolaíochta i mBacastún, Cill Droichid. Táthar ag súil leis go gcuirfear tús leis an obair fhoirgníochta go luath in 2020.

Bunaíodh Conradh Prüm in 2005 chun an comhar trasteorann idir Ballstáit AE a ghéarú, go háirithe maidir le sceimhlitheoireacht, coireacht trasteorann agus imirce neamhdhleathach a chomhrac. Faoi Chonradh Prüm, tá oibleagáid ar

Bhallstáit cearta rochtana uathoibríthe ar phróifílí DNA dhaoine faoi dhrochamhras agus smál coire atá ina mBunachair Sonraí DNA náisiúnta a roinnt. Tá feidhm ag Conradh Prüm freisin maidir le sonraí méarlorg agus cláraithe feithiclí a mhalartú. Leagtar amach mionsonraí maidir le sonraí a roinnt faoi Chonradh Prüm i gCinneadh 2008/615/JHA an 23 Meitheamh 2008 on gComhairle agus i gCinneadh 2008/616/JHA an 23 Meitheamh 2008 on gComhairle. Tá Pointe Teagmhála Náisiúnta (NCP) aonair agus láraithe ag gach tír atá páirteach agus is é sin Eolaíocht Fhóirínseach Éireann in Éirinn. I mí Dheireadh Fómhair 2019, tháinig malartú sonraí Prüm i bhfeidhm maidir leis an Ostair. Táthar ag súil leis go ndéanfar malartuithe le dlínsí eile le linn na bliana 2020.

Is comhalta bunaidh Eolaíocht Fhóirínseach Éireann de Ghréasán Eorpach na nInstitiúidí Dlí-Eolaíochta (ENFSI), mar aon le Comhlachas na Soláthraithe Seirbhísí Dlí-Eolaíochta (AFSP). Tá na heagraíochtaí sin dírithe ar na caighdeáin idirnáisiúnta is fearr maidir le cleachtais fhóirínseacha agus taighde a fhorbairt agus a roinnt i measc a gcomhaltaí. Tá foireann Eolaíocht Fhóirínseach Éireann gníomhach sna gasraí oibre iomchuí go léir de chuid ENFSI agus AFSP. Tá an caidreamh idirnáisiúnta sin tábhachtach chun a chinntiú go mbeidh an fhianaise shaineolach a thíolactar bunaithe ar an taighde eolaíochta is déanaí and an cleachtas idirnáisiúnta is fearr.

Tá Eolaíocht Fhóirínseach Éireann creidiúnaithe de réir ISO17025: 2017 agus tá deimhniú *Gold Excellence through People* aici.

## **Roinn 4: Feidhmeanna an Choiste Formhaoirsithe**

Déantar foráil le hAlt 71 den Acht um Cheartas Coiriúil (Fianaise Dlí- Eolaíochta agus Córas Bunachair Sonraí DNA), 2014 maidir le coiste a bhunú chun raon feidhmeanna a shonraítear in Alt 71 go 74 den Acht a chur i gcrích, lena bhforáiltear mar seo a leanas:

Déanfaidh an Coiste formhaoirsiú ar bhainistiú agus oibriú an Chórais Bunachair Sonraí DNA chun sláine agus slándáil an Chórais a choimeád ar bun agus, chun na gcríoch sin, deimhneoidh sé dó féin go bhfuil forálacha an Achta seo i ndáil leis an gCóras á gcomhlíonadh.

Déanfaidh an Coiste formhaoirsiú —

- (h) ar na socruithe a úsáideann Stiúrthóir EFÉ i ndáil le samplaí arna dtógáil faoin Acht seo a fháil, a láimhseáil, a tharchur agus a stóráil chun próifílí DNA a ghiniúint lena n-iontráil sa Chóras Bunachair Sonraí,
- (i) ar na nósanna imeachta a úsáideann Stiúrthóir EFÉ i ndáil le próifílí DNA a ghiniúint ó na samplaí arna dtógáil faoin Acht seo, agus ar rialú cáilíochta agus dearbhú cáilíochta na nósanna imeachta sin, chun a chinntiú go gcomhlíonann siad an cleachtas idirnáisiúnta is fearr,
- (j) ar na bearta a úsáideann Stiúrthóir EFÉ chun a chinntiú nach bhfaighidh aon duine rochtain ar an gCóras Bunachair Sonraí DNA go míchuí, nach n-úsáidfear na próifílí DNA agus an fhaisnéis arna n-iontráil sa Chóras ach chun na gcríoch a cheadaítear leis an Acht seo agus nach nochtfar iad go míchuí d'aon duine,
- (k) ar an modh ina ndéanann Stiúrthóir EFÉ torthaí na gcuardach ar an gCóras Bunachair Sonraí DNA a thuairisciú don Gharda Síochána, don Choimisiún Ombudsman nó do chróinéir, de réir mar is cuí,
- (l) ar na cleachtais agus na nósanna imeachta a úsáideann Stiúrthóir EFÉ chun a chinntiú go ndéantar samplaí arna dtógáil faoin Acht seo chun próifílí DNA a ghiniúint lena n-iontráil sa Chóras Bunachair Sonraí DNA a dhíothú agus go ndéantar na próifílí DNA arna nginiúint ó na samplaí sin a bhaint den Chóras sin, de réir *Chuid 10 den Acht*.
- (m) ar na cleachtais agus nósanna imeachta a úsáideann Stiúrthóir EFÉ in oibriú *Chaibidlí 2 agus 7 agus Chuid 12 den Acht*, agus
- (n) ar na cleachtais agus na nósanna imeachta a úsáideann Stiúrthóir EFÉ in oibriú alt 4 den Acht.



## Roinn 5: Obair an Choiste Formhaoirsithe

7. Ag gach cruinniú den Choiste, sholáthair Eolaíocht Fhóirínseach Éireann (FSI) faisnéis staidrimh mhionsonraithe maidir le hoibriú an Chórais Bunachair Sonraí DNA lena n-áirítear líon na samplaí a tógadh, na hailt den Acht faoinar tógadh na samplaí, líon na samplaí agus na bpróifílí a díothaíodh agus líon agus cineál na gcásanna a réitíodh le cabhair ó mheaitseálacha DNA. Ó Dheireadh Fómhair 2019 i leith, leathnaíodh staidreamh chun sonraí meaitseála a áireamh mar thoradh ar bhunachair sonraí beo a roinnt faoi Chinntí Prüm.
8. Ag an gcruinniú den Choiste a bhí ann an 13 Márta 2019, léirigh staidreamh a soláthraíodh i leith 2018 neamhréireachtaí idir fógraí ríomhphoist i dtaobh samplaí DNA arna nginiúint ag an nGarda Síochána agus na samplaí a fuair Eolaíocht Fhóirínseach Éireann go fisiceach. Scríobh an Coiste chuig an Oifig Náisiúnta um Chomhordú Fóirínseach maidir leis na samplaí nár cuireadh isteach. Cuireadh tús le scrúdú ar na próisis atá i bhfeidhm agus a bhaineann le DNA i mí Aibreáin 2019.

Cuireadh in iúl don Choiste ag an gcruinniú a bhí ann an 19 Meitheamh 2019 go raibh roinnt neamhréireachtaí a sainaithníodh mar thoradh ar an imscrúdú á réiteach sula gcríochnófaí an tuarascáil. Gníomhachtaíodh nósanna imeachta áirithe in Eolaíocht Fhóirínseach Éireann chun roinnt cúiseanna féideartha a shárú. Bhí an Coiste sásta freastal ar chruinniú cuiditheach leis an Oifig Náisiúnta um Chomhordú Fóirínseach an 11 Nollaig 2019 inar tugadh forléargas ar an dréacht-tuarascáil agus na fionnachtana inti. Ba mhian leis an gCoiste buíochas a ghabháil leis an Oifig Náisiúnta um Chomhordú Fóirínseach as an idirghníomhú leanúnach agus tá sé ag súil le scrúdú a dhéanamh ar an tuarascáil iomlán nuair a chríochnófar í in 2020.

9. Lean an Coiste d'fhaireachán a dhéanamh ar leibhéal foirne san Oifig Náisiúnta um Chomhordú Fóirínseach mar thosaíocht le linn 2019. Scríobh an Coiste chuig an gCoimisinéir Harris roinnt uaireanta le linn 2019, ag cur imní in iúl maidir le leibhéal foirne na hOifige Náisiúnta um Chomhordú Fóirínseach agus chun cruinniú leis a iarraidh chun na nithe sin a phlé tuilleadh. Tá cruinniú socraithe don chéad ráithe de 2020 le Cathaoirleach an Choiste agus fáiltíonn an Coiste roimh idirghabháil fheabhsaithe sa todhchaí.
10. Lean an Coiste d'fhaireachán a dhéanamh ar shocruithe slándála maidir leis an gCóras Bunachair Sonraí DNA. Go foriomlán, tá an Coiste sásta go ndearnadh cuid shuntasach den obair ghearrthearma a moladh i dtuarascáil neamhspleách ar shlándáil in 2018 a chur i gcrích agus a chomhlíonadh i rith 2019, lena n-áirítear an obair TF lena cumasaíodh malartú sonraí faoi Chonradh Prüm a ghníomhachtú i mí Dheireadh

Fómhair 2019. Mar sin féin, amhail ar an 31 Nollaig 2019, tá obair neamhchríochnaithe TF ann ar chóir í a dhéanamh gan mhoill d'fhonn a chinntiú go mbeidh Eolaíocht Fhóirínseach Éireann ag comhlíonadh an chleachtais idirnáisiúnta is fearr. Táthar ag súil leis go ndéanfar dul chun cinn suntasach sa bhliain atá romhainn.

11. Ag gach cruinniú den Choiste, cuireadh nuashonrú ar fáil maidir le Tionscadal Prüm. Tháinig malartán sonraí Prüm leis an Ostair i bhfeidhm i mí Dheireadh Fómhair 2019. Fáiltíonn an Coiste roimh dhul chun cinn Thionscadal Prüm agus na sonraí meaitseála is toradh ar bhunachar sonraí beo a roinnt leis an Ostair agus freisin roimh na pleananna chun an cumas chun sonraí a roinnt le bunachair sonraí AE eile a mhéadú in 2020.
12. Ag gach cruinniú den Choiste, cuireadh nuashonrú ar fáil maidir leis an tsaotharlann eolaíochta fhóiréinsí a bheartaítear a fhoirgníú i mBacastún. Tá an Coiste ag leanúint de bhéim a chur ar an tábhacht agus an phráinn a bhaineann leis an gcéanna a thabhairt ar aghaidh. Le linn an chruinnithe a bhí ann an 23 Deireadh Fómhair, thug an Coiste faoi thuras ar na próisis ó chásanna a iontógáil laistigh d'áitreabh Eolaíocht Fhóirínseach Éireann ar aghaidh agus aithníodh na srianta fisiceacha agus na dúshláin a bhaineann le hoibríochtaí san fhoirgneamh reatha.

Scríobh an Coiste chuig an Aire Dlí agus Cirt agus Comhionannais arís i mí na Samhna 2019 chun aird a tharraingt ar an imní a bhí air. Fuarthas freagra ón Aire an 6 Nollaig inar áirithíodh a thacaíocht chun tús a chur leis an bhfoirgníocht i mBacastún a luaithe is féidir.

## Roinn 6: Fionnachtana an Choiste Formhaoirsithe

9. Tá gach comhalta den Choiste den tuairim nach féidir an iomarca béime a chur ar thábhacht an Chórais Bunachair Sonraí DNA agus go bhfuil sé riachtanach, gach tráth, sláine agus éifeachtacht an chórais a chothabháil agus a chosaint. Níos mó ná riamh cheana tá an córas Ceartais Choiriúil in Éirinn ag brath ar obair an Chórais Bunachair Sonraí DNA chun coireacht thromchúiseach a imscrúdú agus a ionchúiseamh araon. Tuigeann an Coiste na freagrachtaí atá air faoin Acht agus tá sé tiomanta a oibleagáidí reachtúla a chomhlíonadh go feadh a chumais.

Taispeánann na fionnachtana go dtí seo luach an Chórais Bunachair Sonraí DNA maidir le coireacht a chomhrac. Tá an bunachar sonraí á líonadh le samplaí arna dtógáil ó dhaoine a bhfuil drochamhras ann ina leith maidir le coireacht thromchúiseach nó a ciontaíodh sa chéanna agus ó láithreacha coireanna. 38,747 an líon próifílí atá curtha sa bhunachar ó bunaíodh é suas go dtí deireadh mhí na Nollag 2019.

D'fhéadfadh dhá mheaitseáil ionchasach a bheith ann i gcás nuair a chuirtear próifíl bhreise sa bhunachar – d'fhéadfadh smál coire meaitseáil le smál coire eile, rud a thugann nasc idir coireanna le tuiscint; nó d'fhéadfadh an smál coire meaitseáil le duine, rud a thugann nasc idir an duine agus an choir le tuiscint. Go foriomlán, sainaithníodh 780 amas sa Bhunachar Sonraí DNA in 2019 agus thug siad sin cabhair i 1,011 chás.

Tá cumas an bhunachair sonraí DNA chun coireacht a réiteach ag leanúint de bheith ag méadú agus 43% an toradh a bhí ann ag deireadh na bliana 2019 (i.e. nascfar 43 sampla as gach 100 sampla ó láthair coire a uaslódáilfear ar an mbunachar sonraí le duine).

10. Tá an Coiste sásta le bainistiú agus le hoibriú an bhunachair sonraí DNA maidir le halt 72 (2) (a) na socruithe a úsáideann Stiúrthóir EFÉ i ndáil le samplaí arna dtógáil faoin Acht seo a fháil, a láimhseáil, a tharchur agus a stóráil chun próifílí DNA a ghiniúint lena n-iontráil sa Chóras Bunachair Sonraí DNA agus le halt 72 (2) (b) rialú cáilíochta agus dearbhú cáilíochta na nósanna imeachta sin.

Thug an Coiste faoi thuras ar áitreabh Eolaíocht Fhóiréinseach Éireann i mí Dheireadh Fómhair 2019 chun beartais agus nósanna imeachta a scrúdú agus bhí sé sásta. Cuireadh an Coiste ar an eolas go bhfuil athbhreithniú á sheoladh maidir leis na samplaí nár cuireadh isteach agus go n-eiseofar Tuarascáil ar an athbhreithniú sin go luath in 2020. Breithneoidh an Coiste an Tuarascáil sin nuair a gheofar í, lena n-áirítear conas feabhsuithe a bhaint amach chun an dea-chleachtas a chinntiú sa todhchaí. Is ábhar mór imní don Choiste an ní sin.

11. Tá an Coiste sásta maidir le halt 72 (2) (c) eadhon na bearta a úsáideann

Stiúrthóir EFÉ chun a chinntiú nach bhfaighidh aon duine rochtain ar an gCóras Bunachair Sonraí DNA go míchuí, nach n-úsáidfear na próifílí DNA agus an fhaisnéis arna n-iontráil sa Chóras ach chun na gcríoch a cheadaítear leis an Acht seo agus nach nochtfar iad go míchuí d'aon duine. Tá an Coiste ag leanúint de bhéim a chur ar an tábhacht a bhaineann leis an gcóras slándála a fheabhsú mar chuid dhílis de chlár TF Eolaíocht Fhóiréinseach Éireann.

12. Tá an Coiste sásta maidir le halt 72(2)(e), eadhon na cleachtais agus na nósanna imeachta a úsáideann Stiúrthóir EFÉ chun a chinntiú go ndéantar samplaí arna dtógáil faoin Acht seo chun próifílí DNA a ghiniúint lena n-iontráil sa Chóras Bunachair Sonraí DNA a dhíothú agus go ndéantar na próifílí DNA arna nginiúint ó na samplaí sin a bhaint den Chóras sin, de réir Chuid 10 den Acht. Thug Eolaíocht Fhóiréinseach Éireann staidreamh i ndáil leis an ní sin don Choiste ag gach ceann dá chruinnithe in 2019 agus ina theannta sin cuireadh cur i láthair maidir leis an ní sin ar fáil don Choiste le linn dóibh cuairt a thabhairt ar Eolaíocht Fhóiréinseach Éireann i mí Dheireadh Fómhair 2019.

13. Baineann alt 72 (2) (f) agus (g) le cuardach uathoibríthe nó comparáid uathoibríthe a dhéanamh ar phróifílí DNA. Déantar foráil le Cinntí 2008/615/JHA agus 2008/616/JHA ón gComhairle maidir le sonraí DNA, méarlorg agus cláraithe feithiclí a mhalartú idir Ballstáit AE. Maidir le DNA, cuireadh tús le hoibríochtaí malartaithe beo idir Éire agus an Ostair an 2 Deireadh Fómhair 2019.

Tá malartú déthaobhach i bhfeidhm leis an Ostair ó Dheireadh Fómhair 2019 i leith. Rinneadh cuardach ar 3500 smál coire gan aithne ar chóras Eolaíocht Fhóiréinseach Éireann ar Bhunachar Sonraí na hOstaire (ina bhfuil 239,000 próifíl tagartha, ar daoine faoi dhrochamhras/ciontóirí ciontaithe iad). Rinneadh cuardach ar 40,300 smál coire gan aithne ar chóras na hOstaire ar Bhunachar Sonraí na hÉireann (FSI) (ina bhfuil 25,350 próifíl tagartha, ar daoine faoi dhrochamhras/ciontóirí ciontaithe iad). Tharla amais sa dhá chóras mar thoradh ar an malartú sonraí beo, rud a léiríonn tábhacht agus éifeachtacht thionscadal Prüm agus muid ag dul ar aghaidh.

Tá sé beartaithe ag Eolaíocht Fhóiréinseach Éireann malartán bunachair sonraí DNA a thosú leis an Ísiltír agus an Ríocht Aontaithe go luath in 2020 agus tá líon mór amas agus go leor próiseála sonraí tuartha, ar a ndéanfaidh an Coiste faireachán. Ina theannta sin, soláthrófar sonraí nua maidir leis an bpróiseas mar aon le léiriú ar chomh láidir atá an reachtaíocht reatha trí chásanna a leanúint le Interpol agus

Cúnamh Dlíthiúil Frithpháirteach.

14. Tá fáilte roimh an tiomantas an tsaotharlann nua eolaíochta fóiréinsí a fhoirgníú ar champas Bhacastúin. Lean an Coiste de bhéim a chur ar ríthábhacht na saotharlainne nua fóiréinsí i rith 2019 agus trí scríobh chuig an Aire Dlí agus Cirt agus Comhionannais ina leith. Tá an Coiste spreagtha anois mar de bharr conradh a bheith sínithe le déanaí.
15. Is den riachtanas é, chun go mbainfear leas iomlán as an mBunachar Sonraí DNA, go méadófar leibhéal foirne na hOifige Náisiúnta um Chomhordú Fóirínseach go dtí na barrleibhéal mar go ndéanann an oifig sin cuid dhílis den obair a bhaineann le hoibriú an bhunachair sonraí DNA. Taispeánann na neamhréireachtaí atá faoi imscrúdú faoi láthair mar chuid den athbhreithniú ar shamplaí nár cuireadh isteach an tábhacht atá le dícheall cuí. Chomh maith leis sin, d'fhéadfadh easpa foirne dochar a dhéanamh d'fheidhmíocht an bhunachair sonraí, agus is dócha go méadóidh ualach oibre na hOifige Náisiúnta um Chomhordú Fóirínseach go mór nuair a chuirfear sonraí bithmhéadracha eile san áireamh in 2020. Teastaíonn acmhainní leordhóthanacha chun go leanfaidh an bunachar sonraí agus na córais tacaíochta foghabhálacha a ghabhann leis den fheidhm fíor-thábhachtach atá acu chun cabhrú le himscrúdú na coireachta.
16. Bhí cruinniú ag an gCoiste leis an Oifig Náisiúnta um Chomhordú Fóirínseach i mí na Nollag 2019 chun réamhfhionnachtana an athbhreithnithe ar na samplaí nár cuireadh isteach a phlé. Bhí áthas ar an gCoiste a fháil amach go raibh na leibhéal foirne méadaithe. Mar sin féin, tá folúntais ann atá le líonadh go fóill ach táthar ag súil leis go líonfar iad in 2020. Cuireadh i bhfios don Choiste an gur bhain go leor deacrachtaí a bhí ag an Oifig Náisiúnta um Chomhordú Fóirínseach le leibhéal foirne. Leanfaidh an Coiste d'fhaireachán a dhéanamh ar leibhéal na foirne san Oifig Náisiúnta um Chomhordú Fóirínseach le linn 2020.

Maidir leis an athbhreithniú ar na samplaí nár cuireadh isteach, dúradh leis an gCoiste nach bhfuil míniú tugtha i leith 1% d'fhógraí ríomhphoist as 55,000 d'Uimhreacha Tagartha Sampla (SRN). Is cosúil gur samplaí dúbailte, Uimhreacha Tagartha Sampla arna nginiúint gan sampla a thógáil, samplaí a tógadh ach nár seachadadh ar Eolaíocht Fhóirínseach Éireann agus samplaí nár tugadh admháil ina leith in Eolaíocht Fhóirínseach Éireann is cúis le formhór nó cuid de na samplaí nár cuireadh isteach nó nach bhfuil míniú tugtha ina leith. Tá cruinnithe ráithiúla socraithe idir an Oifig Náisiúnta um Chomhordú Fóirínseach agus Eolaíocht Fhóirínseach Éireann, agus tá moltaí áirithe ón athbhreithniú á gcur i ngníomh. Breithneoidh an Coiste an tuarascáil ina hiomláine nuair a chuirfear ar fáil í.

## Foscúbhinn A

### Alt 71-74 den Acht um Cheartas Coiriúil (Fianaise Dlí-Eolaíochta agus Córas Bunachair Sonraí DNA), 2014

#### An Coiste Formhaoirsithe um an gCóras Bunachair Sonraí DNA

**71** (1) Ar thosach feidhme an ailt seo, beidh arna bhunú coiste ar a dtabharfar an Coiste Formhaoirsithe um an gCóras Bunachair Sonraí DNA nó, sa Bhéarla, *The DNA Database System Oversight Committee* (dá ngairtear “an Coiste” san Acht seo) chun na feidhmeanna a shannfar dó leis an Acht seo a chomhlíonadh.

(2) Faoi réir na Coda seo, beidh an Coiste neamhspleách i gcomhlíonadh a fheidhmeanna.

(3) Beidh éifeacht le *Sceideal 1* i ndáil leis an gCoiste.

#### Feidhmeanna an Choiste

**72.** (1) Déanfaidh an Coiste formhaoirsiú ar bhainistiú agus oibriú an Chórais Bunachair Sonraí DNA chun sláine agus slándáil an Chórais a choimeád ar bun agus, chun na gcríoch sin, deimhneoidh sé dó féin go bhfuil forálacha an Achta seo i ndáil leis an gCóras á gcomhlíonadh.

(2) Gan dochar do ghinearáltacht *fho-alt (1)*, déanfaidh an Coiste formhaoirsiú—

(a) ar na socruithe a úsáideann Stiúrthóir EFÉ i ndáil le samplaí arna dtógáil faoin Acht seo a fháil, a láimhseáil, a tharchur agus a stóráil chun próifílí DNA a ghiniúint lena n-iontráil sa Chóras Bunachair Sonraí DNA,

(b) ar na nósanna imeachta a úsáideann Stiúrthóir EFÉ i ndáil le próifílí DNA a ghiniúint ó na samplaí arna dtógáil faoin Acht seo, agus ar rialú cáilíochta agus dearbhú cáilíochta na nósanna

imeachta sin, chun a chinntiú go gcomhlíonann siad an cleachtas idirnáisiúnta is fearr,

- (c) ar na bearta a úsáideann Stiúrthóir EFÉ chun a chinntiú nach bhfaighidh aon duine rochtain ar an gCóras Bunachair Sonraí DNA go míchuí, nach n-úsáidfear na próifílí DNA agus an fhaisnéis arna n-iontráil sa Chóras ach chun na gcríoch a cheadaítear leis an Acht seo agus nach nochtfar iad go míchuí d'aon duine,
  - (d) ar an modh ina ndéanann Stiúrthóir EFÉ torthaí na gcuardach ar an gCóras Bunachair Sonraí DNA a thuairisciú don Gharda Síochána, don Choimisiún Ombudsman nó do chróinéir, de réir mar is cuí,
  - (e) ar na cleachtais agus na nósanna imeachta a úsáideann Stiúrthóir EFÉ chun a chinntiú go ndéantar samplaí arna dtógáil faoin Acht seo chun próifílí DNA a ghiniúint lena n-iontráil sa Chóras Bunachair Sonraí DNA a dhíothú agus go ndéantar na próifílí DNA arna nginiúint ó na samplaí sin a bhaint den Chóras sin, de réir *Chuid 10*,
  - (f) ar na cleachtais agus na nósanna imeachta a úsáideann Stiúrthóir EFÉ in oibriú *Chaibidlí 2* agus *7* de *Chuid 12*, agus
  - (g) ar na cleachtais agus na nósanna imeachta a úsáideann Stiúrthóir EFÉ in oibriú *alt 4*.
- (3) Déanfaidh an Coiste, i gcomhlíonadh a fheidhmeanna faoi *fho-ailt (1)* agus *(2)*, cibé moltaí is cuí leis i ndáil le bainistiú agus oibriú an Chórais Bunachair Sonraí DNA a chur faoi bhráid an Aire agus Stiúrthóir EFÉ, de réir mar is cuí.
- (4) Féadfaidh an Coiste agus, má iarrann an tAire amhlaidh air, déanfaidh an Coiste, aon ní a bhaineann le bainistiú agus oibriú an Chórais Bunachair Sonraí DNA a athbhreithniú agus cuirfidh sé tuarascáil i scríbhinn ar aon athbhreithniú den sórt sin faoi bhráid an Aire.
- (5) Faoi réir *fho-ailt (6)* agus *(7)*, cuirfidh an tAire faoi deara, a luaithe is indéanta tar éis tuarascáil a fháil faoi *fho-alt (4)*, cóip di a leagan faoi

bhráid gach Tí den Oireachtas agus a fhoilsiú ar cibé modh is cuí leis an Aire.

(6) Féadfaidh an tAire, le linn cóip de thuarascáil a gheobhaidh sé nó sí faoi *fho-alt (4)* a leagan faoi bhráid gach Tí den Oireachtas, nó le linn an tuarascáil a fhoilsiú, aon ní a fhágáil ar lár as an gcóip den tuarascáil a leagfar nó a fhoilseofar amhlaidh, i gcás gurb é a thuairim nó a tuairim, maidir leis an ní a nochtadh—

(a) go mbeadh sé dochrach do shlándáil an Chórais Bunachair Sonraí DNA, do shlándáil an Stáit nó d'imscrúdú cionta coiriúla, nó

(b) go bhféadfadh sé cearta bunreachtúla aon duine a shárú.

(7) Má fhágtar ní ar lár de réir *fho-alt (6)* as tuarascáil a gheobhaidh an tAire faoi *fho-alt (4)*, cuirfear ráiteas á rá sin ag gabháil leis an gcóip den tuarascáil nuair a leagfar í faoi bhráid gach Tí den Oireachtas nó nuair a fhoilseofar í.

### **Comhoibriú leis an gCoiste**

73. (1) Comhoibreoidh Stiúrthóir EFÉ agus na comhaltaí eile d'fhoireann EFÉ leis an gCoiste i ndáil leis an gCoiste do chomhlíonadh a fheidhmeanna faoin Acht seo.

(2) Déanfaidh Stiúrthóir EFÉ agus na comhaltaí eile d'fhoireann EFÉ, chun críocha *fho-alt (1)*, cibé faisnéis a iarraidh an Coiste agus is gá, i dtuairim an Choiste, chun a fheidhmeanna a chomhlíonadh, a thabhairt don Choiste.

(3) Féadfaidh an Coiste, aon uair is cuí leis déanamh amhlaidh, a iarraidh ar an nGarda Síochána agus ar an gCoimisiún Ombudsman faisnéis a thabhairt dó a bhfuil gá léi chun a fheidhmeanna a chomhlíonadh faoin Acht seo.

(4) Comhlíonfaidh an Garda Síochána agus an Coimisiún Ombudsman iarraidh faoi *fho-alt (3)*.

(5) Ní thoirmeascfar le haon ní in aon achtachán eile faisnéis fhíorasach iomchuí a nochtadh don Choiste ná í a nochtadh ag an gCoiste.



## Tuarascáil bhliantúil an Choiste

74. (1) Déanfaidh an Coiste, a luaithe is féidir, ach tráth nach déanaí ná 6 mhí, tar éis dheireadh gach bliana, tuarascáil i scríbhinn a thabhairt don Aire maidir le comhlíonadh na bhfeidhmeanna atá sannta dó leis an Acht seo ag an gCoiste i gcaitheamh na bliana sin.
  
- (2) Beidh i dtuarascáil faoi *fho-alt (1)* faisnéis i cibé foirm agus maidir le cibé nithe a ordóidh an tAire.
  
- (3) Faoi réir *fho-alt (4)*, cuirfidh an tAire faoi deara, a luaithe is indéanta tar éis tuarascáil a fháil faoin alt seo, cóip di a leagan faoi bhráid gach Tí den Oireachtas agus a fhoilsiú ar cibé modh is cuí leis an Aire.
  
- (4) Beidh feidhm ag *fo-ailt (6)* agus *(7) d'alt 72*, fara aon mhodhnuithe is gá, maidir le tuarascáil a gheobhaidh an tAire faoin alt seo mar atá feidhm acu maidir le tuarascáil a gheobhaidh sé nó sí faoi *fho-alt (4)* den alt sin.
  
- (5) D'ainneoin *fho-alt (1)*, dá mba rud é, murach an fo-alt seo, go mbainfeadh an chéad tuarascáil faoin alt seo le tréimhse is giorra ná 6 mhí, bainfidh an tuarascáil leis an tréimhse sin agus leis an mbliain díreach i ndiaidh na tréimhse sin agus tabharfar í a luaithe is féidir, ach tráth nach déanaí ná 6 mhí, tar éis dheireadh na bliana sin.