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# DNA theft should "be a criminal offence"



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By **ANDY COGHLAN**

People who “steal” someone else’s DNA should face criminal charges, says a report from the UK government’s advisers on genetics.

Such an offence would, for example, make it illegal for journalists to obtain DNA of famous people by stealing their coffee mug. Analysis of the DNA might reveal, for example, that the owner is prone to a particular disease, such as bowel or breast cancer.

It would also become an offence to “steal” DNA for settling paternity disputes. A paternity US recent case involving Steve Bing, a multimillionaire film producer with a playboy reputation, demonstrates that the issue is not just a theoretical one.

Private detectives raiding Bing’s dustbin recovered dental floss bearing some of his DNA. Subsequent tests proved that Bing had fathered the four-year-old daughter of Kirk Kerkorian, a Californian billionaire.

“This sort of activity is a gross intrusion into another’s privacy, and there is not sufficient legal protection to prevent this at the moment,” says Helena Kennedy, chair of the UK Human Genetics Commission (HGC). “This is why we are recommending a criminal offence of deceitfully obtaining or analysing another person’s genetic information.”

## Police powers

An exception would be made in cases where a person required genetic testing for medical reasons but was unable to give consent. Another exception would apply to the police, who could legally obtain, analyse and store DNA samples without consent.

Controversially, the commission ducks giving advice on whether the police should be allowed to continue keeping DNA of suspects who turn out to be innocent.

“We would urge the government to promote a greater degree of public dialogue about the justification for the apparent increase in the range of offences for which samples may be taken,” it says.

As a compromise, it advocates an independent body to monitor and oversee the operation of the police’s DNA database. Similar independent bodies should oversee all research-based DNA databases. But the HGC says new laws should be introduced to prevent the police taking DNA from established research databases.

The HGC also recommends that employers should be prevented from forcing job applicants to take genetic tests as a condition of employment. “Everyone should have the rights and dignity respected,” says the commission.



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