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Statement on Collection and Use of Genetic Information for Law Enforcement

The ever-increasing ability to collect, analyze, and store personal genetic data raises significant concerns about privacy and potential misuse of this highly sensitive information. The societal use of such information needs to address these privacy concerns. One such instance is when the entity responsible for collection and storage of genetic information is a governmental agency whose express purpose is to use those data for law enforcement.

Large, government-maintained DNA databases exist in a number of countries around the world, including the United States, and they have been used effectively in criminal justice. The American Society of Human Genetics supports DNA profiling as a law-enforcement tool to identify criminals and exonerate the innocent. We believe, however, that the use of DNA in those contexts must respect the public's right to privacy and that DNA collection should be limited to individuals convicted of or reasonably suspected of having committed a serious crime in a legal context that is both precisely specified and rigorously applied. Furthermore, when governments construct and maintain DNA databases they should ensure that genetic data cannot be used for purposes other than law enforcement.

Because the information in government-controlled DNA databases could be misused if not properly regulated, the genetics community has deliberated for many years over the use of DNA analysis in law enforcement. This issue reached a new level of urgency with the passage of a 2015 counterterrorism law in Kuwait requiring compulsory DNA testing of all citizens, residents, and visitors to the country. ASHG is encouraged to learn that the Kuwaiti government is reconsidering its position in the wake of opposition from the scientific, legal, and human rights communities in Kuwait and elsewhere.

The Kuwait situation stands as a cautionary tale that countries might apply DNA profiling in law enforcement in an untargeted manner and without adequate protections for individual privacy. The international genetics community must work to ensure that such protections are in place where DNA analysis is used as a law enforcement tool.