



Department for
Digital, Culture,
Media & Sport

Centre for
Data Ethics
and Innovation

Framework Agreement between the Department for Digital, Culture, Media & Sport and the Centre for Data Ethics and Innovation

20 March 2019

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1. INTRODUCTION

- a. The Centre for Data Ethics and Innovation (the 'CDEI') has been established by the Department for Digital, Culture, Media & Sport (the sponsoring department on behalf of government, 'DCMS') to provide the Government with access to independent, impartial and expert advice on the ethical and innovative deployment of data and artificial intelligence. The Terms of Reference for the CDEI are set out at Annex I.
- b. The CDEI will be comprised of:
 - i. the Board, including its Chair, and
 - ii. the Executive (CDEI staff).
- c. This Framework Agreement (the 'Agreement') describes the primary elements of how the CDEI and DCMS will work together during the CDEI's pre-statutory phase. Members of the CDEI Board (the 'Board'), the CDEI Executive, and DCMS are expected to comply at all times with the Agreement.
- d. The Agreement has been jointly approved by the CDEI's Board and DCMS. The Agreement may be revised at any point during the pre-statutory phase. Any review should be undertaken jointly by the CDEI and DCMS.

2. GOVERNANCE AND ACCOUNTABILITY

- a. The CDEI is funded by DCMS. During its pre-statutory phase the CDEI is not a separate legal entity and operates as an Expert Committee, working independently of government.
- b. Responsibility for the CDEI's strategy and delivery against its objectives is delegated to the independent Board by the Secretary of State for Digital, Culture, Media and Sport (the 'Secretary of State'). However, as the CDEI will remain part of DCMS during the pre-statutory phase, the Secretary of State is ultimately accountable to Parliament for the CDEI in this period.
- c. The CDEI has discretion to determine its approach and use of resources as it undertakes its projects and other operations as set out in its Terms of Reference. The CDEI's independence extends to the content of its reports, recommendations, and public statements by the Chair, the Board and the Executive. Any recommendations must not be presented as government policy.

- d. The Chair must agree the CDEI's annual work programme with the Secretary of State. The Chair will write to the Secretary of State annually proposing the CDEI's future work programme. This proposal will be developed using the CDEI's prioritisation framework, taking into account government priorities, budget allocation, and in line with its terms of reference. The Secretary of State and the Chair may meet to discuss the proposed work programme. Once the Secretary of State has agreed the work programme, he or she will confirm this to the Chair in writing and the work programme will be published by the CDEI.
- e. Any proposed significant changes to the agreed work programme during the course of the year, whether proposed by the Government or by the CDEI, must be agreed between the parties, with due regard to the impact of these changes on the delivery of other priorities, or any additional funding requirements.
- f. The CDEI will report to the Government with its recommendations. Reports, including recommendations, will be made public. The Government will endeavour to publish its response to recommendations as soon as is practicable, and no later than six months after the recommendations have been made.
- g. The Government is responsible for setting and taking decisions on policy. Ministers will have sole responsibility for deciding whether to endorse the CDEI's recommendations, and for deciding how recommendations should be taken forward.
- h. The Principal Accounting Officer for DCMS is accountable to Parliament for the allocation and appropriate management of funding to the CDEI. The Director of Digital and Tech Policy has delegated authority from the DCMS Principal Accounting Officer for the budget. The Head of the Executive is accountable to the Director of Digital and Tech Policy for budget spend and is subject to DCMS spend controls.
- i. Appointments to the CDEI Board, including the Chair, are made by the Secretary of State through a fair and open process. The applications will be considered by an advisory assessment panel, who will make recommendations to the SoS. The Chair will be invited to sit on the advisory assessment panel for board appointments (excluding his/her own). DCMS will set out in writing the terms of office and remuneration of the Board appointments. These appointments are not regulated by the Commissioner for Public Appointments during the CDEI's pre-statutory phase, but the appointment process reflects the Governance Code on Public Appointments.

3. **ENGAGEMENT BETWEEN THE CDEI AND GOVERNMENT**

- a. In order to maintain good communication and accountability between the CDEI and the Government, the following will take place:

- i. the Chair will meet with ministers biannually (Secretary of State and/or the Minister for Digital and Creative Industries), additional meetings may be requested at any time by both Ministers and the Chair
 - ii. the Secretary of State and Minister for Digital and Creative Industries (or their representatives) may be invited to board meetings where appropriate
 - iii. the Chair will have regular meetings with the DCMS Director General for Digital and Media Policy, and the DCMS Director of Digital and Tech Policy, and
 - iv. there will be regular meetings between the Executive and DCMS sponsor team.
- b. The Executive and DCMS will engage with each other in the spirit of the four principles set out in the Government’s Code of Good Practice for Partnerships with Arms Length Bodies¹, and will promptly share relevant information on policy and insights with each other relating to data ethics and innovation when appropriate.
 - c. The Chair and Executive may meet other government departments, including both Ministers and officials, to discuss policy development as needed.

4. THE CDEI BOARD

- a. In order to support delivery of the CDEI’s Terms of Reference, members of the Board will:
 - i. provide the cross-disciplinary expertise and strategic direction that will shape the interim CDEI’s work and recommendations
 - ii. identify the key ethical and innovation challenges relating to the use of data and the governance solutions that are needed to address those challenges
 - iii. liaise with experts and interested stakeholders to understand the broader context and complexities of the governance issues under consideration
 - iv. help set the direction for the CDEI’s work programme and recommendations
 - v. provide expert, impartial advice to the Government, and
 - vi. communicate with and engage the public and industry on the CDEI’s recommendations.
- b. The Board will meet at least four times a year. There must be a minimum of two-thirds Board members present at each meeting (including the Chair) to make it quorate.

¹ <https://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice>

- c. Members are appointed as individuals for their personal expertise, and for the relevance of that expertise to the CDEI's remit and work programme, not as representatives of their particular profession, employer, or interest group. Members of the Board must be independent of DCMS and declare any actual or potential conflicts of interests.
- d. If a member of the Board is speaking or writing in a personal or professional capacity to the press or broadcast media, and she or he is identified as a member of the Board, it should be made clear that the individual's views are not necessarily those of the CDEI.
- e. The CDEI should make itself available to discuss the work of the CDEI with relevant Parliamentary Committees and groups. Where the Chair or other Board members engage with Parliament on the work of the CDEI, they should be clear that they do not represent government policy.
- f. Members are entitled to claim reimbursement for costs incurred while fulfilling their role as a Board member. These claims are subject to the DCMS travel and subsistence policies.

5. CDEI CHAIR

- a. In addition to their duties as a Board member, the Chair will:
 - i. lead the development of the CDEI and ensure the appropriate structures are put in place to deliver strong and timely progress on the work programme
 - ii. coordinate and empower the board members to provide input, harnessing their expertise, skills and experience and building consensus around the CDEI's recommendations
 - iii. provide strategic leadership to the working groups and wider CDEI staff, and deliver expert, impartial advice to the Government
 - iv. engage with and lead the global debate on harnessing data technologies for the common good
 - v. represent the CDEI in external engagement, building constructive relationships with top-level stakeholders across government, public bodies including regulators, industry, civil society and academia
 - vi. be the principal spokesperson for the CDEI in communications with the public and media, and
 - vii. propose future priorities for the work programme to the Secretary of State.

6. THE CDEI EXECUTIVE

- a. The Executive is responsible for supporting the Board and its Chair, the day-to-day operations of the CDEI and delivering the CDEI's work programme.

- b. Those working in the Executive will comply with the Civil Service Code and all DCMS corporate policies and guidance (including those relating to financial management, procurement, human resources, information management and security) unless specific exceptions are made by DCMS and notified to the CDEI.
- c. The Executive will take a flexible approach to access the right skills and expertise to fulfill its work, including but not limited to, the use of fixed-term appointments, secondments, loans or placements, and the contracting of expert services (e.g. advisors). These individuals will be subject to the requirements set out in clause 6b, above.

7. HEAD OF THE EXECUTIVE

- a. The Head of the Executive in the CDEI's pre-statutory phase has dual accountability:
 - i. to the Board for the delivery of the CDEI's strategy and operations, and
 - ii. to the DCMS Director of Digital and Tech Policy for managing the public money that the Director has been delegated by the Principal Accounting Officer for DCMS.
- b. The Head of the Executive must ensure compliance with any statutory duties, including General Data Protection Regulation as it applies in the UK, together with the Data Protection Act 2018, and the Freedom of Information Act 2000, any standards set out in the DCMS and government-wide corporate policies, and this Agreement.

8. OPENNESS AND TRANSPARENCY

- a. The CDEI will operate with a presumption of openness, and in line with the statutory duties and the spirit of the Freedom of Information Act 2000. The CDEI will engage with the public on issues of public interest or concern. Where possible and practical, Board meetings will be open to the public.
- b. The CDEI will publish the following in relation to its work:
 - i. its annual work programme
 - ii. an annual report, summarising its recommendations, activities and progress to date, and
 - iii. an overarching assessment of the governance landscape for data and AI, including any recommendations it has made and the steps the Government has taken to implement them. This should include any recommended actions to address barriers to effective and ethical uses of data and AI and the steps which the government has taken to implement those recommendations.

9. In addition, the CDEI will publish the following in relation to the Board:
 - i. membership of the CDEI Board
 - ii. Board members' transparency information relating to gifts, hospitality, and declarations of interests
 - iii. details of Board meetings, including agendas and minutes, and
 - iv. contact details for the Secretariat.

- b. The Secretary of State will lay the CDEI annual report before Parliament.

- c. Wherever possible, recommendations from the CDEI are to be made public at the point at which they are delivered to the Government. The recommendations should be written in plain English and in terms that can be understood by a layperson.

- d. Where recommendations cannot be made public, this will be explained and will be in line with the requirements of the relevant access to information legislation, including data protection rules and the Freedom of Information Act 2000.

ANNEX I: CDEI TERMS OF REFERENCE

The Centre for Data Ethics and Innovation will help to maximise the benefits of data and Artificial Intelligence (AI) for our society and economy. The Centre will:

1. **Analyse and anticipate risks and opportunities.** The Centre will identify the opportunities for strengthening ethical and innovative uses of data and AI by:
 - commissioning and bringing together **research and analysis** into the ethical and economic implications of uses of data and AI
 - **reviewing the existing regulatory framework** to identify gaps in response to the uses of data and AI and barriers to ethical innovation
 - **consulting regulators, industry, public bodies and civil society** on specific issues relating to the use and governance of data and AI
 - **engaging citizens and consumers** to understand the range of societal attitudes towards the use and regulation of data and AI
 - **horizon-scanning** new and emerging data-driven and AI-based technologies and associated governance implications.

2. **Agree and articulate best practice.** The Centre will identify best practice for the responsible use of data and AI. This might include:
 - engaging industry bodies, public service providers and consumers to **coordinate world-leading standards and codes of conduct** in data and AI uses
 - responding to, and seeking to shape, the **international debate** on standards
 - working with stakeholders to identify and assess effective and ethical **frameworks for sharing data**
 - advising on measures to **build capability** amongst data users, through training or organisational governance
 - working with the public and the private sector to investigate the utility of **technological approaches** to key challenges.

3. **Advise on the need for action.** The Centre will support the Government to enable safe and ethical innovation in the use of data and AI by:
 - **identifying steps to ensure that the law, regulation and guidance keep pace** with developments in data-driven and AI-based technologies
 - **publishing recommendations to government** on how it can support safe and ethical innovation in data and AI through policy and legislation
 - identifying opportunities to **inform and influence international agreements and frameworks for the use of data and AI**
 - providing **expert advice and support** to regulators on the implications of data and AI uses and areas of potential harm.

In carrying out the above functions, the Government expects the Centre to:

- appropriately balance objectives for ethical and innovative uses of data and AI to ensure they deliver the greatest benefit for society and the economy
- take into account the economic implications of its advice, including the UK's attractiveness as a place to invest in the development of data-driven technologies
- provide advice that is independent, impartial, proportionate and evidence-based
- work closely with existing regulators and other institutions to ensure clarity and consistency of guidance.

In addition to this, as part of its initial, pre-statutory phase of activity the Centre will:

- explicitly **review** these functions to ensure the Centre's resources are being deployed in the most effective way
- **identify** what additional functions the Centre may need to undertake to deliver its mandate effectively
- **assess** where these functions may need to be amended or augmented with specific powers when the Centre is established on a statutory footing.