
Biometrics & Forensics Ethics Group

Ethical Principles

December 2020

BIOMETRICS & FORENSICS ETHICS GROUP PRINCIPLES

Ethics and the Biometrics & Forensics Ethics Group (BFEG)

The BFEG operates based on a broad ethical spectrum that embraces moral, legal and social policy considerations, recognising that policy needs must be reconciled with ethical concerns. Observing these principles should enhance trustworthiness in biometric and forensic services, and in the use of complex datasets.

GOVERNING PRINCIPLES

The Governing Principles that should apply to the use of biometric, forensic, and data analysis procedures are as follows:

Principle 1: procedures should enhance public safety and the public good;

Principle 2: procedures should seek to respect the dignity of individuals and groups;

Principle 3: procedures should not deliberately or inadvertently target or selectively disadvantage those most vulnerable nor people or groups on the basis of 'protected characteristics' as defined in the [Equality Act 2010](#) (age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation);

Principle 4: Procedures should respect, without discrimination, human rights as defined in the [Human Rights Act 1998](#). Any limitations of non-absolute rights, such as the right to respect for private and family life, and the right to freedom of expression, must be lawful, for a legitimate aim, proportionate and necessary.

Principle 5: scientific and technological developments should be harnessed to advance the process of criminal justice; promote the swift exoneration of the innocent, and afford protection and resolution for victims;

Principle 6: procedures should be based on robust evidence.

Implementation of the Governing Principles

The Governing Principles should be implemented with due regard to the following:

- impartiality – procedures should be applied without bias or unfair discrimination; attention should be given to avoiding discrimination against vulnerable people or based on protected characteristics;
- proportionality – reconciling individual rights with the public good;
- openness and transparency;
- the need for systems to be in place to identify errors;

- the need for quality control;
- the need for public accountability;
- the need for independent oversight or remedy;
- the need to provide adequate and accessible information and, where appropriate, to obtain consent from those from whom data or samples are sought;
- the undertaking and, where possible, the publication of the relevant impact assessments.

Considerations Specific to the Processing of Data

In relation specifically to the processing of data (which includes the collection of data) the Governing Principles should be applied as follows:

- data should be collected, stored and used only for specified and lawful purposes;
- data collection, storage, and use must adhere to legal requirements;
- steps should be taken to ensure the accuracy, security, integrity, and timely destruction of data collected, stored and used;
- processes should be robust and conform to international standards, and be applied by professionally trained staff;
- intrusion into private lives and other human rights should be minimised and shown to be necessary and proportionate;
- account should be taken of the rights of secondary data subjects (i.e. people potentially affected by data collected from others, e.g. family members).

Annex A: QUESTIONS TO ACCOMPANY THE PRINCIPLES

The following questions are intended to clarify and aid the interpretation of the Governing Principles that are the foundation of the work of the BFEG. Their purpose is also to assist those who are seeking the approval of the BFEG for new procedures in order to demonstrate that they have considered relevant aspects.

GOVERNING PRINCIPLES

Principle 1: Procedures should enhance public safety and the public good

- How does the procedure enhance public safety?
- What aspect of the public good is enhanced by the procedure?
- Is there anything further that could be done to ensure that the procedure advances public safety and the public good, without unjustifiably interfering with individual human rights, e.g. the right to private life?

Principle 2: Procedures should respect the dignity of individuals and groups

- What steps have been taken to ensure that the procedure respects the dignity of all individuals and groups?
- Is there any way in which the procedure could undermine the dignity of individuals and groups? If so, how? Do the benefits of the procedure outweigh its negative side effects?
- What steps could be taken to reduce this negative impact? Could the benefit of the procedure be achieved by different means?
- What could be done to mitigate any deliberate or inadvertent adverse outcomes of the procedure on vulnerable people?

Principle 3: Procedures should not deliberately or inadvertently target or selectively disadvantage those most vulnerable nor people or groups on the basis of 'protected characteristics' as defined in the Equality Act 2010 (age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation);

- How does the procedure enhance the safety of, or benefit the most vulnerable?
- Would the procedure lead to differential treatment of a person based on protected characteristics?
- What could be done to ensure that the procedure does not deliberately or inadvertently target or selectively disadvantage people or groups on the basis of protected characteristics?

Principle 4: Procedures should respect, without discrimination, human rights as defined in the Human Rights Act 1998. Any limitations of non-absolute rights, such as the right to respect for private and family life or the right to freedom of expression, must be lawful, for a legitimate aim, proportionate and necessary.

- Would human rights be limited by the procedure? If so, in what way?
- Are the human rights of any group or section of the community likely to be especially adversely affected?
- What steps have been taken to respect all human rights?
- Has public protection been reconciled with the respect for all human rights?
- What steps could be taken to reduce any limitation of human rights without jeopardising the procedure itself? Or could its benefits be achieved by different, less limiting, means?

Principle 5: Scientific and technological developments should be harnessed to advance the process of criminal justice; promote the swift exoneration of the innocent and afford protection and resolution for victims.

- How will the procedure assist the criminal justice system by promoting swift exoneration of the innocent, and afford protection and resolution for victims?
- Is there anything that could be done to achieve these goals even more effectively?

Principle 6: Procedures should be based on robust evidence

- What is the evidential basis for the procedure?
- How has it been tested?
- Has it been subject to peer review?
- Has the evidential basis been challenged?
- What is the error rate?
- What are the quality control mechanisms?
- What evidence is available of the likely impact of the procedure on those to whom it is applied and any others who could be affected by it?
- Where public funds are concerned, has cost-effectiveness been considered?

IMPLEMENTATION OF THE GOVERNING PRINCIPLES

What steps have been taken to ensure the following:

- impartiality – procedures should be applied without bias or unfair discrimination;
- proportionality – reconciling individual rights and the public good;

- openness and transparency;
- the need for systems to be in place to identify errors;
- the need for quality control;
- the need for public accountability;
- the need for independent oversight where appropriate;
- the need to provide adequate information and where appropriate to obtain consent from those from whom data or samples are sought.

CONSIDERATIONS SPECIFIC TO THE PROCESSING OF DATA

With respect to the collection, storage and use of data, what steps have been taken to ensure the following:

- restriction to specified and lawful purposes;
- adherence to legal requirements;
- accuracy, security and integrity of data;
- robust processes which conform to international standards and are applied by professionally trained staff;
- minimal limitation of human rights, particularly regarding intrusion into private life;
- account taken of interests of secondary data subjects, e.g. family members affected by data collection from others?

Annex B: Authors

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Authors:

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Update, December 2020

Following a proposal from **Dr Adil Akram**, BFEG member, these principles were updated in October 2020 to recognise the need to consider explicitly the effects of procedures on people or groups with protected characteristics as set out in the Equality Act 2010.

The updated principles were ratified by all members of the BFEG, see Annex C for a list of members.

Annex C: Members of the Biometrics and Forensics Ethics Group

Chair

Professor Mark Watson-Gandy, barrister at Three Stone Chambers and Visiting Professor, Universities of Westminster and Lorraine.

Committee members

Dr Adil Akram, Consultant Psychiatrist, South West London and St George's Mental Health NHS Trust and Honorary Senior Lecturer, St George's, University of London

Professor Louise Amoore, Professor of Human Geography, Durham University

Professor Liz Campbell, Chair in Criminal Jurisprudence, Monash Law, Australia

Professor Simon Caney, Professor in Political Theory, University of Warwick

Professor Richard Guest, Professor of Biometrics Systems Engineering and Head of the School of Engineering and Digital Arts, University of Kent

Dr Julian Huppert, Director and Fellow, Intellectual Forum, Jesus College, Cambridge

Professor Mark Jobling, Professor of Genetics, University of Leicester

Dr Nóra Ni Loideain, Director of the Information Law and Policy Centre, Institute of Advanced Legal Studies, University of London

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Professor Denise Syndercombe Court, Professor of Forensic Science, King's College London

Professor Jennifer Temkin, Professor of Law, The City Law School (City University of London)

Dr Peter Waggett, Director of Research, IBM