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c/o BFEG Secretariat
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Alex MacDonald
Data and Identity Directorate
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30 April 2020

Dear Alex,

Re: Biometrics and Forensic Ethics Group work programme 2020

Thank you for your letter, dated May 2020, that set out the Home Office's priorities for the Biometrics and Forensics Ethics Group (BFEG) work programme for 2020/21. We are pleased to provide an update on progress of each work stream.

Home Office Biometrics (HOB) programme:

Over the past year the Home Office Biometrics Ethics Working Group (HOB E WG) has continued to receive updates on the HOB programme and provided ethical advice on Data Privacy Impact Assessments (DPIA) for the programme. The Working Group also fed into the update of the Home Office DPIA template by the Office of the Data Protection Officer (ODPO).

The views of the Working Group and the wider BFEG were sought on some work that HOB has been doing to understand potential for bias in the use of Face Algorithms and a group of BFEG members will continue to advise on this work as it develops.

The HOB programme is expected to run until at least March 2022 and over the coming year the group will continue to provide ethical advice on the existing HOB projects and projects/developments that are at the demand register stage, following a change this year to provide ethical advice at an earlier stage. As the HOB programme transitions to a product delivery approach during 21/22 the views of the HOB E WG will likely be sought on how ethics should remain a key consideration in the product structure.

Use of Large and Complex Datasets:

- a. **advise projects considering the adoption and/or use of explainable data-driven technology and contribute to guidance being developed for data scientists.**

In November 2020 the Complex Datasets Working Group (CDWG) reported to Data Services and Analytics (DSA) on the ethical considerations for two Home Office data science applications.

Following feedback from data scientists on the advice provided, the group will look to draft an ethical guidance document for data scientists, for publication on the BFEG website. The work of the Data Ethics Advisory Group (see below) and further use cases may assist in production of this guidance.

The CD WG continues to provide advice and guidance to DSA as needed and may be asked to advice on the internal governance document being developed for data scientists.

b. develop a data ethics advisory service providing ethical guidance and support for Home Office projects

In response to the commission the Data Ethics Advisory Group (DEAG) was established to consider ethical issues in Home Office data projects and provide a source of advice and guidance for project teams.

Over this commission period the DEAG have developed a submission form for receipt of appropriate data projects and a process for review. The submission and review process will be continually reviewed to ensure it meets the needs of Home Office project teams.

The DEAG has considered its first case, and feedback on the process has been positive. The DEAG will continue to review data use cases from across the Home Office as needed.

As the work of the DEAG continues and evolves the BFEG will look to address part c. of the 2019/20 commission:

c. once fully established, we would look to this group to provide input into the development of further discipline-specific ethics guidance and procedures.

Biometrics and Forensics Access and Retention

- a. advise on approaches to collection, use, retention and deletion of different biometrics and of extracted digital forensic material**
- b. advise on ethical issues regarding the use of extracted information obtained through digital forensics investigations in large datasets for the purposes of data-driven policing and/or the training of algorithms to improve digital forensics tools**

In response to the 2019/20 commission the Biometrics and Digital Forensics (BDF) Working Group was established.

The Working Group have considered ethical issues surrounding police requests to extract material from digital devices belonging to a complainant, victim, or witness and made a series of recommendations. The group would also welcome the opportunity to provide advice during the development of the Code of Practice about the extraction of information noted in the draft Police, Crime, Sentencing and Courts Bill (section 40).

The group will continue to provide ethical advice and recommendations on specific topics provided by the Policy team and co-opt individuals with appropriate technical expertise to assist as necessary.

Forensic Information Database Services (FINDS):

The Biometrics and Forensic Ethics group continues to support the Forensic Information Databases Strategy Board (FIND SB).

The BFEG was asked by the FIND SB to consider the ethical implications associated with the potential use of genetic genealogy techniques by law enforcement and, following the submission of advice to FINDS the BFEG published their report on the feasibility of using genetic genealogy methods to assist in solving crime in the UK in September 2020.

The BFEG are also working with FINDS and the Forensic Capability Network to feed into their review of DNA sample kits.

FINDS is reviewing the process for National DNA Database Near Match Report data integrity checks. Over the next commissioning period the BFEG may be asked to work with FINDS on any ethical considerations identified from the review.

The BFEG would also seek to be consulted on the ethical issues in proposed agreements for international biometric data exchange following the changes resulting from leaving the EU.

Other stakeholders:

The BFEG continues to support the Forensic Science Regulation Unit (FSRU) and over the last year have advised on elements of new DNA guidance documents that were published in spring 2021. The BFEG will continue to provide support to the FSRU and the new Forensic Science Regulator with ethical advice.

Previous commission / Self-Commission

Facial Recognition

Following an evidence gathering event in June 2020 the Facial Recognition Working Group (FR WG) published their report into the collaborative use of live facial recognition in January 2021.

The FR WG continues to keep a watching brief over the use of facial recognition and the development of other recognition technologies, such as object, body, and voice recognition.

The BFEG would like to be kept informed of the revised police guidance on use of Live Facial Recognition and the Public Sector Equality Duty proposal with Cardiff University in response to the *Bridges v South Wales Police* judgement.

Ethical Principles

The update to the BFEG Ethical Principles was published in December 2020 following a proposal from BFEG member, Dr Adil Akram. The updated principles explicitly state that procedures should not deliberately or inadvertently target or selectively disadvantage people or groups on the basis of 'protected characteristics' as defined in the Equality Act 2010. The update to the principles also highlights that procedures should respect, without discrimination, human rights as defined in the Human Rights Act 1998.

I look forward to receiving the BFEG's next commission.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Watson-Gandy". The signature is written in a cursive style with a horizontal line underneath.

Mark Watson-Gandy
Chair of the Biometrics and Forensics Ethics Group