

**Debt and Fraud Information Sharing Review Board**

**Terms of Reference - August 2019**

**Authority**

The Debt and Fraud Information Sharing Review Board (the Review Board) is established by the Cabinet Office under the [Information Sharing Code of Practice Code of Practice](https://www.gov.uk/government/publications/digital-economy-act-2017-part-5-codes-of-practice) (the Code of Practice). The Review Board will report to the Minister for the Cabinet Office.

**Purpose**

The Review Board will advise and make recommendations to the Minister for the Cabinet Office on information sharing powers under Chapter 3 and Schedule 7 for the debt provisions; and Chapter 4 and Schedule 8 for the fraud provisions. The Review Board will also help ensure public authorities and bodies who provide a service to a specified public authority carry out data sharing with regard to the Code of Practice.

**Scope**

The Review Board will oversee any non-devolved and England-only data sharing pilots under both the debt and fraud powers.

**Functions**

The functions of the Review Board are to:

* review the pilot business case and consider whether the proposal meets the requirements to use the powers;
* where appropriate, provide an initial view with any recommendations for strengthening the proposal;
* monitor any non-devolved and England-only data sharing pilots under the fraud and debt powers;
* consider any request to vary the pilot during its lifecycle;
* review reports of any serious breaches during pilot lifecycle, and inform other public authorities and the Minister for the Cabinet Office where appropriate[[1]](#footnote-1);
* help ensure public bodies carrying out pilot data shares operate with regard to the Code of Practice and promote good practice guidance among organisations who can use the powers;
* consider issues about the use of the powers; act as a point of contact with the Information Commissioner's Office;
* make recommendations to the Minister for the Cabinet Office on whether the proposal should be accepted for implementation, accepted subject to amendments; or declined;
* receive proposals from public authorities to embed any pilot data share into business as usual, and make recommendations to the Minister accordingly;
* collate and analyse evidence on the effectiveness of the pilots to assist the review of the powers after three years; and
* liaise with devolved administrations for the purpose of collating evidence for the review of the powers after three years.

The secretariat will provide further guidance to Review Board members as required. The Review Board will hold the Cabinet Office to account for collating good practice identified as a result of the pilots.

**Conduct and frequency of meetings**

Initially, the Review Board will sit monthly, in line with the Code of Practice. The Review Board will review this in light of the volume of data sharing proposals submitted and parliamentary timetables, and agree an appropriate meeting schedule.

The Review Board will meet face-to-face, with telephone dial in facilities, where necessary, will also seek views by correspondence.

The secretariat will issue papers at least five working days before the date of each meeting.

At each meeting, Review Board members will approve the minutes from the previous meeting for publication. The secretariat will arrange for minutes to be published on gov.uk.

Decisions will be made on a consensus of opinion, written and verbal. In the event of disagreement between Review Board members on the appropriate recommendation to make to the Minister, there will be a vote. Qualified subject matter experts have one vote each. There must be a minimum quorum of two-thirds of experts to vote, with at least five from the relevant subject area, either debt or fraud. Review Board members who have an interest in an individual pilot do not vote.

Review Board members will declare any conflicts of interest, potential or actual, in relation to any pilot at the start of each meeting and in any correspondence.

**Review Board Composition**

The Code of Practice specifies the Review Board will consist of appropriately qualified subject experts gathered from across government. Qualified subject experts are appointed or selected on merit based on their expertise, rather than by department. Therefore, Review Board members are not required to provide an alternative representative if they are unable to attend or comment in writing. The Review Board can also invite extra expert opinion, based on merit, as required and according to volumes and complexity of proposed data shares submitted.

The Review Board will be attended by representatives from the devolved administrations as observers when considering reserved, UK wide information shares.

The Review Board will be attended by representatives from the Information Commissioner's Office (ICO). This attendance will be in an observer capacity, and representatives may provide advice and guidance from a regulatory perspective as necessary. Such attendance by representatives of the ICO does not indicate regulatory approval to any matters before the Review Board.

The Review Board will invite members from appropriate public representative bodies and from the Privacy and Consumer Advisory Group to capture the views of the civil society.

The Review Board will be chaired by either the Cabinet Office Deputy Director Public Sector Fraud or the Deputy Director for Cross Government Debt Policy and Strategy, supported by the secretariat. Should neither be available, Review Board members will select a Chair from attendees. Terms of Reference will be reviewed as required and at least annually.

1. Organisations running pilots are expected to report breaches according with their own procedure, and to the ICO where relevant, in line with the Data Protection Act 2018. [↑](#footnote-ref-1)