



# **Forensic Science Regulator**

## **Terms of Reference**

**Digital Forensics Specialist Group**

**FSR-T-C04**

**Issue 2**



## **1. Introduction**

### **1.1 Purpose**

1.1.1 This document sets out the terms of reference for the Digital Forensics Specialist Group.

## **2. Implementation**

2.1.1 This issue of the terms of reference became effective on 22 September 2020.

## **3. Modification**

3.1.1 This is issue 2 of the terms of reference. Changes from previous versions are not identified.

## **4. Terms of Reference**

### **4.1 Status**

4.1.1 The Digital Forensics Specialist Group (hereafter referred to as the “Specialist Group”) is a specialist group established to advise the Forensic Science Regulator (“the Regulator”) and the Forensic Science Advisory Council (‘the Council’) on matters within its remit.

### **4.2 Remit**

4.2.1 The Specialist Group will support the Regulator and the Council by:

- a. Identifying requirements for new or improved quality standards applying to the provision of digital forensics services to the police service and the wider CJS. This will include the quality of the techniques employed and of closely associated processes such as evidential integrity, interpretation and presentation of results;
- b. Drawing up proposals for such quality standards, following an assessment of priority, for approval;
- c. Advising on how to accredit those supplying digital forensic science services (including in-house police services) to the Criminal Justice System, including the defence and police;

- d. Advising on how to monitor compliance with digital forensics quality standards;
- e. Advising on the implementation of applicable standards;
- f. Developing procedures for validating and approving new technologies and applications in the field of digital forensics;
- g. Monitoring the availability of training and guidance in digital forensics and making proposals to the Regulator for approaches designed to improve the availability of, and standards in the quality of, training in digital forensics;
- h. Advising on measures to ensure the competence of individual practitioners in digital forensics under applicable standards;
- i. Creating, tasking, overseeing and managing the output of any working groups required to advise the Specialist Group on specific matters within its remit;
- j. Monitoring national and international developments relevant to quality standards in the provision of digital forensics and fostering co-operative links with relevant fora;
- k. Advising on any other issues concerning quality standards in digital forensics which are referred to Specialist Group by the Regulator or the FSAC.

4.2.2 For the purposes of the Specialist Group, "Digital Forensics" will be taken to have the following meaning: Digital forensics is the process by which information is extracted from any digital system or data storage media, rendered into a useable form, processed and interpreted for the purpose of obtaining intelligence for use in investigations, or evidence for use in criminal proceedings.

### 4.3 Composition

4.3.1 The Specialist Group will be chaired by an individual appointed by the Regulator.

4.3.2 Membership of the Specialist Group will comprise persons formally appointed by the Regulator, who collectively:

- a. Have the knowledge, skills and experience necessary to provide advice to the Regulator in relation to quality risks and standards for digital forensics; and
- b. Represent the digital forensics community within policing, private and academic sectors.

4.3.3 The Regulator may at the request of, or following consultation with, the Chair of the Specialist Group, add to the membership of the Specialist Group or invite other individuals to serve on the Specialist Group for limited periods of time where additional skills, knowledge or experience are required.

4.3.4 If a member regularly fails to attend Specialist Group meetings, the Regulator may terminate his/her appointment and request a new appointee from the nominating body.

## **5. Operation**

### **5.1 General**

5.1.1 The Specialist Group will operate in accordance with a detailed plan presented by the Chair and approved by the Regulator, who will be advised by the Council.

5.1.2 The Specialist Group will conduct its business out of committee as far as possible, but will meet as and when required in order to discharge its remit.

5.1.3 In the interests of public accountability, the Specialist Group will carry out its work as openly as possible, subject to any necessary confidentiality requirements and any conditions agreed by the Regulator.

5.1.4 No budget is delegated to the Specialist Group but such assistance as is reasonably required to enable the Specialist Group to undertake its duties will be provided, within available resources.

5.1.5 Membership of the Specialist Group is unremunerated. The Regulator may approve repayment of travel and subsistence costs necessarily incurred on Specialist Group business by any members who are unable to obtain reimbursement from their employers. Repayment will only be made where the

Regulator has agreed to entertain claims from a named individual under this provision.

5.1.6 Where the business of the Specialist Group gives rise to the need for expenditure from the Regulator’s budget, the Regulator’s written approval must be obtained in advance of any commitment to the expenditure.

5.1.7 The Chair of the Specialist Group may establish such other procedures as s/he considers appropriate for the operation of the Specialist Group, providing that these are not inconsistent with the above.

## **5.2 Working Groups**

5.2.1 The Specialist Group may, with the approval of the Regulator, establish such working groups as it considers necessary for the efficient and effective conduct of its business. Such working groups will be constituted with clear written terms of reference and will report to the Specialist Group.

## **6. Conduct**

6.1.1 Members of the Specialist Group are required to observe the Seven Principles of Public Life endorsed by the Nolan Committee on Standards in Public Life. Each member must at all times act in good faith and observe the highest standards of impartiality, integrity and objectivity in relation to the conduct of the Specialist Group’s business.

6.1.2 Any Specialist Group member has the right to bring to the attention of the Regulator any matter, which he or she believes raises important issues relating to his or her duties as a member. In such cases the member should, before approaching the Regulator, raise their concerns with the Specialist Group Chair to establish whether they might be resolved within the Specialist Group.

## **7. Data Protection**

7.1.1 The contact details that members provide will be used by the Regulator, or the Regulator’s representatives, and shared amongst the membership of the Specialist Group to facilitate member’s involvement in the activities of the Specialist Group as the Regulator deems appropriate.

7.1.2 Typically, this would mean that a member’s email address would be visible to the Specialist Group, and those supporting its work, to allow for debate within the Specialist Group. It would also allow for members to receive other communication as the Regulator sees fit.

7.1.3 A member’s contact details will not be shared beyond the Specialist Group and supporting staff <sup>1</sup> without their express permission.

7.1.4 Details of how the Regulator uses a member’s personal information can be found in the Regulator’s personal information charter which can be found at:

[www.gov.uk/government/organisations/forensic-science-regulator/about/personal-information-charter](http://www.gov.uk/government/organisations/forensic-science-regulator/about/personal-information-charter)

## **8. Confidentiality**

8.1.1 In accepting appointment to the Specialist Group, members are required to accept that there will be some information or documents presented to the Council that should not be disclosed without the approval of the Regulator; this will be indicated when raised in committee, in handling information on documents or covering emails. This includes any documents marked with any Government Protective Marking Scheme security classification (including ‘Official-Sensitive’) and the content of any discussions relating to such information. Members undertake not to make copies of any such documents, and to follow the advice provided by the Regulator and Forensic Science Regulation Unit about the handling of such documents.

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<sup>1</sup> Supporting staff include the Home Office Science Secretariat, members of the Forensic Science Regulation Unit and Home Office (or Home Office contracted) staff involved in administrative matters such as payment of expenses, issuing visitors passes etc.

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