

**CODE OF PRACTICE
FOR MEMBERS OF
THE TECHNICAL ADVISORY BOARD**

Second Edition 2022

CODE OF PRACTICE FOR MEMBERS OF THE TECHNICAL ADVISORY BOARD¹

Public service values

1. The members of the Technical Advisory Board (TAB) must at all times:
 - observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of the TAB;
 - be accountable to Secretary of State and the public more generally for its activities and for the standard of advice it provides.
2. The TAB will operate business practices that meet its objectives within legislation concerning the management of data and the provision of access to information. Much of the TAB's work will be of a sensitive nature and its membership includes representatives of law enforcement authorities and intelligence agencies. It is not, therefore, appropriate for the TAB to meet in public. Neither is it appropriate for the identities of those TAB members representing government/public authorities to be made public. For this reason, while the TAB chair will maintain a register of interests, only details pertaining to the chair, Independent and Industry members will be made publicly available on the Gov.uk website.
3. The Secretary of State is answerable to Parliament for the policies and performance of the TAB, including the policy framework within which it operates.

Standards in Public Life

4. All TAB members must:
 - follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (annexed);
 - comply with this Code of Practice for Members of the TAB, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of the TAB and any relevant statements of Government policy.
 - not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and

¹ An advisory non-departmental public body first established in accordance with section 13 of the Regulation of Investigatory Powers Act 2000 (repealed) and now maintained under section 245 of the Investigatory Powers Act 2016. It is sponsored by the Investigatory Powers Unit.

- not hold any paid or high-profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of this body. When engaging in other political activities, TAB members should be conscious of their public role and exercise proper discretion. These restrictions do not apply to MPs, local councilors or to Peers in relation to their conduct in the House of Lords.

Role of the TAB members

5. TAB members have collective responsibility for the operation of the TAB. They must:
 - assess the technical requirements and the financial consequences of obligations placed on telecommunications services to maintain certain capabilities under IPA, on a case-by-case basis as and when Telecommunications Operators (TOs) launch appeals to the Secretary of State via the TAB; engaging fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the sponsor department or the responsible Minister;
 - operate business practices that meet the TAB's objectives within legislation concerning the management of data and the provision of access to information (including prompt responses to public requests for information) and agree an Annual Report (when produced);
 - take responsibility for the security and protection of any sensitive or protectively marked information, documents and assets to which they gain access in the course of exercising their TAB functions;
 - contributing to the Annual Report (when produced) on the TAB's activities; and,
 - ensure that the TAB does not exceed its powers or functions.
6. Communications between the TAB and the Secretary of State will generally be through the chair (or the secretariat if appropriate) except where the TAB has agreed that an individual member should act on its behalf. Nevertheless, any TAB member has the right of access to Ministers on any matter which he or she believes raises important issues relating to his or her duties as a TAB member. In such cases the agreement of the rest of the TAB should normally be sought.
7. Communications between the TAB and TOs or members of the general public should (in general) be conducted through the chair (or the Secretariat if appropriate) except where the TAB has agreed that an individual member should act on its behalf.

8. Individual TAB members can be removed from office by the Secretary of State if they fail to perform the duties required of them in line with the standards expected in public office.

The role of the chair

9. The chair has particular responsibility for providing effective leadership on the issues above. In addition, the chair is responsible for:
 - ensuring that the TAB meets at appropriate intervals (at least once a year), and that the minutes of meeting and any reports to the Secretary of State accurately record the decisions taken and, where appropriate, the views of individual board members;
 - ensuring that the TAB communicates effectively with government departments and agencies, TOs and the general public; and
 - ensuring that new TAB members are briefed on appointment (and any training needs considered) and providing an assessment of their performance, on request, when members are considered for re-appointment to the TAB or for appointment to the board of some other public body.

Handling conflicts of interests

10. The purpose of these provisions is to avoid any risk of TAB members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. TAB members should therefore declare any personal or business interest that may or may not be perceived (by a reasonable member of the public) to influence their judgement. This should include, as a minimum, personal direct and indirect pecuniary interests, and should normally also include such interests of close family members and of people living in the same household². The register of interests should be kept up-to-date and those details pertaining to members who are not serving crown or civil servants should be open to the public. A declaration of any interest should also be made at any TAB meeting if it relates specifically to a particular issue under consideration, for recording in the minutes (whether or not a TAB member also withdraws from the meeting).
11. TAB members should not participate in the discussion or determination of matters in which they have an interest, and should normally withdraw from the meeting if:
 - their interest is direct and pecuniary; or

² Indirect pecuniary interests arise from connections with bodies which have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs and other organisations. Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.

- their interest is covered in specific guidance issued by this body or the sponsor department which requires them not to participate and/or to withdraw from the meeting.

Personal liability of board members

12. Legal proceedings by a third party against individual board members of advisory bodies, such as the TAB, are very exceptional. An individual member of the TAB who has acted honestly and in good faith will be indemnified in respect of the costs of defending any claim arising out of the execution or purported execution of their TAB functions and will not have to meet out of their personal resources any personal civil liability or liability to legal costs or expenses incurred in such execution or purported execution, except where their conduct goes beyond negligence and amounts to recklessness.

Annex: THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisation that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.