



Biometrics & Forensic
Ethics Group

Biometrics and Forensics Ethics Group framework document:

Non-departmental public body

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Biometrics and Forensics Ethics Group framework document NDPB

1.	Purpose of document	4
2.	Objectives	4
3.	Classification	4
	Purposes, aims and duties	5
4.	Purposes	5
5.	Aims	5
	Governance and accountability	6
6.	Governance and accountability	6
	Role of the department	6
7.	The responsible Minister	6
8.	Appointments to the NDPB	6
9.	The role of the sponsorship team	7
10.	Resolution of disputes between the BFEG and department.....	8
11.	Freedom of Information requests	8
12.	Reporting on legal risk and litigation.....	8
	The BFEG governance structure	9
13.	The Chair’s role and responsibilities.....	9
14.	Individual board members’ responsibilities	10
	Management and financial responsibilities and controls	10
	Commissions and Reporting	10
16.	Commission	10
17.	Budgeting procedures	10
18.	Annual report and accounts	11
19.	Information sharing.....	11
	Reviews and winding up arrangements	11
20.	Review of BFEG’s status.....	11
21.	Arrangements in the event that the BFEG is wound up.....	11
	Annex A: Guidance	13

Introduction and background

1. Purpose of document

- 1.1. This framework document (the “framework document”) has been agreed between the Home Office and the Biometrics and Forensic Ethics Group (BFEG) in accordance with HM Treasury's handbook [Managing Public Money](#) (“MPM”) (as updated from time to time) and has been approved by HM Treasury.
- 1.2. The framework document sets out the broad governance framework within which BFEG and the Home Office operate. It sets out the BFEG’s core responsibilities, describes the governance and accountability framework that applies between the roles of the Home Office, and the BFEG. This framework document sets out how the day-to-day relationships work in practice, including in relation to governance and financial matters.
- 1.3. The document does not convey any legal powers or responsibilities but both parties agree to operate within its terms.
- 1.4. Copies of the document and any subsequent amendments have been placed in the electronic libraries of both Houses of Parliament and made available to members of the public on the [BFEG website](#).
- 1.5. This framework document should be reviewed and updated at least every 3 years unless there are exceptional reasons that render this inappropriate that have been agreed with HM Treasury and the sponsor department. The latest date for review and updating of this document is 01/12/2025.

2. Objectives

- 2.1. The Home Office and the BFEG share the common objective of delivering robust policy related to biometrics, forensics and large and complex datasets. To achieve this, the BFEG and the Home Office will work together in recognition of each other's roles and areas of expertise, providing an effective environment for the BFEG to achieve its objectives through the promotion of partnership and trust, and ensuring that the BFEG also supports the strategic aims and objective of the department and wider government.
- 2.2. The objective of the BFEG is to provide strategic independent support, advice, and challenge to ensure that the evidence underpinning biometrics, forensics, and large and complex datasets policy development within the Home Office is robust and has considered the ethical impact on society, groups, and individuals.

3. Classification

- 3.1. The BFEG has been administratively classified by the Cabinet Office as a non-departmental public body (NDPB).

Purposes, aims and duties

4. Purposes

- 4.1. The BFEG provides independent ethical advice to Home Office ministers on issues related to the collection, use, and retention of biometric and forensic material. The focus is strategic and broad.
- 4.2. The remit of the BFEG is defined by agreement with the responsible minister and documented in a written ministerial statement laid in both Houses of Parliament. The remit was last defined in 2019, [the Hansard is available on the UK Parliament website](#).
- 4.3. The BFEG's remit includes, but is not limited to, consideration of the ethical impact of the following on society, groups, and individuals:
 - the application and operation of technologies which produce biometric and forensic data and identifiers;
 - the use and development of large and complex datasets which contain biometric and forensic data and identifiers;
 - services currently provided and techniques employed and proposals for new services and techniques;
 - applications for research involving access to biometric or forensic data;
 - other matters relating to the management, operation and use of biometric or forensic data;
 - the BFEG may also, at the request of ministers, conduct inquiries into other ethical issues relating to scientific services provided to the police service and other public bodies within the criminal justice system.

5. Aims

- 5.1. In April of each year, the BFEG chair and the departmental policy sponsor will jointly agree the key tasks and deliverables for the forthcoming year. Once agreed, the BFEG will receive a formal letter which sets out the Home Office priorities for the BFEG for that year. As such, the strategic aims of the BFEG vary with each commissioning cycle.
- 5.2. The key deliverables are agreed with input from senior stakeholders including the Forensic Information Database Strategy Board (FIND SB). They are aligned to the remit of the BFEG which is to provide independent ethical advice and consideration of matters pertaining to the collection, retention, and use of the following:
 - Human biometric identifiers, for purposes which fall within the purview of the Home Office, including the differentiation between, or identification of, individuals
 - Forensic data, such as extracted digital forensic material
 - Large datasets, including the implementation of systems using machine learning and artificial intelligence.

- 5.3. It is anticipated that approximately 70% of the BFEG work will be commissioned by the sponsor and that approximately 30% of the BFEG's work will be determined by the group itself.
- 5.4. Each year, once agreed, the commissioning letter is published on the [BFEG website](#).

Governance and accountability

6. Governance and accountability

- 6.1. The BFEG shall operate corporate governance arrangements that, so far as practicable and in the light of the other provisions of this framework document or as otherwise may be mutually agreed, accord with good corporate governance practice and applicable regulatory requirements and expectations.
- 6.2. In particular (but without limitation), the BFEG should:
- comply with the principles and provisions of the [Corporate Governance in Central Government Departments Code of Good Practice](#) (as amended and updated from time to time) to the extent appropriate and in line with their statutory duties or specify and explain any non-compliance in its annual report
 - comply with the principles and provisions of the [Code of Practice for scientific advisory committees](#) (as amended and updated from time to time)
 - comply with MPM
 - in line with MPM have regard to the relevant [Functional Standards](#) as appropriate and in particular those concerning Finance, Commercial and Counter Fraud
 - take into account the codes of good practice and guidance set out in Annex A of this framework document, as they apply to ALBs

Role of the department

7. The responsible minister

- 7.1. The minister with portfolio for forensics and biometrics is accountable to Parliament for all matters concerning the BFEG.

8. Appointments to the NDPB

- 8.1. The chair of the BFEG is appointed by the Home Secretary with advice from the public appointments team. This appointment is subject to the [Public](#)

[Appointments Order in Council](#) and as such must comply with the [Governance Code on Public Appointments](#).

- 8.2. The Minister shall have the following appointment and approval rights in relation to the BFEG:
- The chairperson is appointed by the Home Secretary. This appointment is subject to the Public Appointments Order in Council and as such must comply with the Governance Code on Public Appointments.
 - In addition to the chairperson, up to seventeen members are appointed by the Home Secretary, who may delegate this power to the relevant Home Office minister. This appointment is subject to the Public Appointments Order in Council and as such must comply with the Governance Code on Public Appointments.
 - All such appointments should have regard to the principle that appointments should reflect the diversity of the society in which we live, and appointments should be made taking account of the need to appoint boards which include a balance of skills and backgrounds.

Other ministerial powers and responsibilities

- 8.3. The ministers will continue to work under the guidelines on [Scientific and Engineering Advice in Policy Making](#) and the [Ministerial Code](#) which states that ministers “should have regard to the Principles of Scientific Advice to Government”.
- 8.4. The minister is also responsible for:
- the policy framework within which the BFEG operates
 - such other matters as may be appropriate and proportionate

9. The role of the sponsorship team

- 9.1. The Deputy Director in the Data and Identity Directorate is the primary contact for the BFEG. They are the main source of advice to the responsible minister on the discharge of their responsibilities in respect of the BFEG.
- 9.2. Officials of relevant Data and Identity Directorate policy teams will liaise regularly with BFEG officials to review performance against plans, and achievement against targets. The policy sponsor will also take the opportunity to explain wider policy developments that might have an impact on the BFEG.
- 9.3. The role of the sponsor includes, but is not limited to:
- co-ordinating an agreed annual commissioning letter, setting out key outputs required over the forthcoming 12 months with reference to an agreed forward strategy;
 - attending and contributing to BFEG meetings as required;
 - brokering the role of the BFEG with senior stakeholders, ensuring sufficiently early engagement and that the work passed to the BFEG is of a strategic nature; and
 - developing and facilitating mechanisms to enable information flow, from stakeholders across the Home Office and its operational partners, to the BFEG and vice versa.

10. Resolution of disputes between the BFEG and department

- 10.1. Any disputes between the department and the BFEG will be resolved in as timely a manner as possible. The department and the BFEG will seek to resolve any disputes through an informal process in the first instance. If this is not possible, then a formal process, overseen by the senior sponsor, will be used to resolve the issue. Failing this, the senior sponsor will ask the relevant policy director general to oversee the dispute. They may then choose to ask the Permanent Secretary to nominate a non-executive member of the department's board to review the dispute, mediate with both sides and reach an outcome, in consultation with the Secretary of State.
- 10.2. If the minister is minded not to accept the BFEG's advice, the minister will, before making a final decision, discuss with the chair of the BFEG, or nominated representative.
- 10.3. If key recommendations proposed by the BFEG are not to be accepted, the minister will write to the BFEG setting out the reasons for rejection in advance of any public comment by the Home Office on the matter.

11. Freedom of Information requests

- 11.1. Where a request for information relating to the work of the BFEG is received by either party (the BFEG or the Home Office) under the Freedom of Information Act 2000, or the Data Protection Act 1998 or 2018, the party receiving the request will consult with the other party prior to any disclosure of information that may affect the other party's responsibilities.

12. Reporting on legal risk and litigation

- 12.1. The BFEG shall provide a quarterly update to the sponsor on the existence of any active litigation and any threatened or reasonably anticipated litigation. The parties acknowledge the importance of ensuring that legal risks are communicated appropriately to the sponsor in a timely manner.
- 12.2. In respect of each substantial piece of litigation involving the BFEG, the parties will agree a litigation protocol which will include specific provisions to ensure appropriate and timely reporting on the status of the litigation and the protection of legally privileged information transmitted to the sponsor to facilitate this. Until such time as a protocol is agreed, the parties will ensure that:
 - material developments in the litigation are communicated to the sponsor in an appropriate and timely manner
 - legally privileged documents and information are clearly marked as such
 - individual employees handling the legally privileged documents are familiar with principles to which they must adhere to protect legal privilege
 - circulation of privileged information within government occurs only as necessary

The BFEG governance structure

13. The chair's role and responsibilities

- 13.1. The chair is responsible for leading the committee in the delivery of its responsibilities. Such responsibility should be exercised in the light of their duties and responsibilities as set out in their contract of employment/appointment letter, the priorities in the commission issued to them by the sponsor team, this document and the documents and guidance referred to within this document.
- 13.2. Communications between the BFEG's committee and the responsible minister should normally be through the chair.
- 13.3. The chair is bound by the [Nolan Principles of Public Life](#).
- 13.4. In addition, the chair is responsible for:
 - ensuring (by monitoring and engaging with appropriate governance arrangements) that the BFEG's affairs are conducted with probity
 - ensuring that policies and actions support the responsible minister's wider strategic policies and where appropriate, these policies and actions should be clearly communicated and disseminated throughout the BFEG.
- 13.5. The chair has the following leadership responsibilities:
 - formulating the committee's strategy
 - ensuring that the committee, in reaching decisions, takes proper account of guidance provided by the responsible minister or the department
 - promoting the efficient and effective use of resources
 - delivering high standards of regularity and propriety
 - representing the views of the committee to the general public
- 13.6. The chair also has an obligation to ensure that:
 - the work of the committee and its members are reviewed and are working effectively including ongoing assessment of the performance of individual committee members with a formal evaluation of the performance of individual committee members when being considered for re-appointment
 - that in conducting assessments that the view of relevant stakeholders and the sponsorship team are sought and considered
 - committee members are fully briefed on terms of appointment, duties, rights and responsibilities
 - the responsible Minister is advised of the BFEG's needs when committee vacancies arisethere is a terms of reference in place setting out the role and responsibilities of the committee consistent with the [government code of practice for scientific advisory committees](#).

14. Individual board members' responsibilities

14.1. Individual committee members should:

- comply at all times with the [code of practice for ministerial appointments to public bodies](#)
- comply at all times with [the code of practice for science advisory committees](#)
- demonstrate adherence to the [Nolan Principles of Public Life](#)
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations
- comply with the committees' rules on the acceptance of gifts and hospitality, and of business appointments
- act in good faith and in the best interests of the BFEG

Management and financial responsibilities and controls

15.1. The BFEG has no allocated budget and committee members are voluntary, as such the BFEG does not have delegated authorities, spending authority or systems for procurement, banking and management of cash, or counter fraud and theft.

Commissions and reporting

16. Commission

16.1. Following receipt of its annual commission, the BFEG shall submit a response to the sponsor department a draft plan for the year ahead. The draft should be submitted one month following receipt of the commission. The BFEG shall agree with the department the issues to be addressed in the plan and the timetable for its preparation. The plan shall reflect the BFEG's duties, and, within those duties, the priorities set from time to time by the responsible minister (including decisions taken on policy and resources in the light of wider public expenditure decisions). The plan shall demonstrate how the BFEG contributes to the achievement of the department's medium-term plan and priorities and aligned performance metrics and milestones.

17. Budgeting procedures

17.1. The BFEG has no allocated budget. Appointment to the BFEG is on a voluntary basis and fees are not payable.

- 17.2. The Home Office will reimburse all reasonable expenses (including travel, and subsistence) properly and necessarily incurred in respect of an appointment. Payments will be made in line with guidance set out by the Home Office.

18. Annual report and accounts

- 18.1. The BFEG must publish an annual report of its activities. This report will be submitted to ministers by the end of July of each year and will cover the preceding reporting period of April to April.
- 18.2. The annual expenditure of the BFEG, in relation to reimbursement of all reasonable and necessarily incurred costs (including travel and subsistence) will be reported in the annual report of the BFEG's activities.

19. Information sharing

- 19.1. The department has the right of access to all the BFEG's records and personnel for any purpose including, for example, sponsorship audits and operational investigations.
- 19.2. The BFEG shall provide the sponsor department with such information about its operations, performance, individual projects or other expenditure as the sponsor department may reasonably require.
- 19.3. The department and HM Treasury may request the sharing of data held by the BFEG in such a manner as set out in central guidance except insofar as it is prohibited by law.

Reviews and winding up arrangements

20. Review of BFEG's status

- 20.1. The BFEG will be reviewed as part of the wider Public Bodies Reviews programme, at a time determined by the department's ministers.

21. Arrangements in the event that the BFEG is wound up

- 21.1. The sponsor department shall put in place arrangements to ensure the orderly winding up of the BFEG. In particular it should ensure that the assets and liabilities of the BFEG are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and

liabilities should revert to the sponsor department.) To this end, the department shall:

- have regard to [Cabinet Office guidance on winding up of ALBs](#)

Annex A: Guidance

The BFEG shall comply with the following guidance, documents and instructions:

Corporate governance

- This framework document.
- [Corporate governance code for central government departments](#) (relevant to ALBs) and supporting guidance.
- [Code of practice for partnerships between departments and arm's length bodies](#).

Management of risk

- The [government cyber-security strategy](#) and [cyber security guidance](#).

Public appointments

The following are relevant where public bodies participate in public appointments processes.

- [Guidance from the Commissioner for Public Appointments](#).
- [Governance code on Public Appointments](#).

Staff and remuneration

- [Whistleblowing guidance and code of practice](#).
- [The Equalities Act 2010](#).

General

- [Freedom of Information Act guidance](#) and [instructions](#).
- Other relevant instructions and guidance issued by the central departments (Cabinet Office and HM Treasury)
- Recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the government and are relevant to the BFEG.
- [Guidance from the Public Bodies team in Cabinet Office](#).

- [The Civil Service diversity and inclusion strategy](#) (outlines the ambition, to which Arm's Length Bodies can contribute).
- [The Government Digital Service](#).

HM Treasury contacts

This document can be downloaded from www.gov.uk

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