Biometrics and Forensics Ethics Group
Meeting Minutes
December 15 2023

Biometrics & Forensic
Ethics Group

Notes of the 25th meeting held on 15 December 2023 online via Microsoft Teams.

1   Welcome and introductions

1.1   Professor Tom Sorell, Deputy Chair, opened the meeting and welcomed all to the 25th meeting of the Biometrics and Forensics Ethics Group (BFEG). Professor Sorell chaired the meeting until agenda item 5 at which point Professor Mark Watson-Gandy, Chair, continued to Chair. See annex A for attendees and apologies.

1.2   Members were invited to share any new or arising declarations of interest. The following were raised:

- Professor Sarah Morris raised that she was conducting three reviews for the Home Office, on CCTV and encrypted chat messaging. Sarah Morris also declared she had joined the board for ECS partners, a company from the University of Southampton.

- Professor Richard Guest declared that from March 1st he was moving role from University of Kent to University of Southampton.

1.3   The minutes of the last meeting were agreed.

1.4   Subject to amendments, the summary of the September Policing Forum and a meeting note were agreed.

1.5   A full list of outstanding actions, including those raised at this meeting can be found in annex B.

2   Chairs update and workplan updates

2.1   The Chair updated members regarding a meeting with Home Office Policy. BFEG was looking to host a 'Lunch and Learn' session in the Home Office to both promote the work of BFEG and help BFEG understand work within the Home Office. Secretariat would organise a session commencing in the new financial year.

2.2   A member of BFEG mentioned that lunch and learn sessions should also focus on the Police, to ensure BFEG's work reflects other agencies, e.g. the Met Police or the Mayor's Office for Policing and Crime.

ACTION 1: Secretariat to arrange and organise a lunch and learn session(s) to be delivered to the Home Office.

2.3   The Chair provided an update on the recruitment process for new BFEG members. The shortlisting and initial interviews had taken place and the shortlist had been submitted to the Minister for approval.

2.4   The Chair updated members on a recent meeting with Lord Sharpe. The Chair informed members that Lord Sharpe had conveyed his thanks to BFEG.

2.5   It was confirmed that a member of BFEG had been appointed to lead on the progression of work with the Accelerated Capability Environment (ACE) to pilot offering BFEG's advisory service.

2.6   BEFG was advised that Professor Sorell had presented to the Policing National Ethics Committee (following invitation by the National Police Chiefs Council (NPCC) ethics lead) on the Policing Ethics Body (PEB) proposal and received a positive reception.

2.7   The Chair confirmed that work was underway to arrange a roundtable event to ensure BFEG's self-commissioned work and the formal commissioning brief received from BFEG's policy sponsor were in line with the priorities of the Home Office.

2.8   The Chair provided an overview on the following areas of work from individual Working Groups:

- The Data Ethics Advisory Group (DEAG) met with the College of Policing, Lincolnshire Police and Trilateral to discuss a test case for PEB. This would be evaluated to inform the launch of the PEB Pilot.

- A lead official for the Home Office Biometrics (HOB) Programme met with the HOB Ethics Working Group Chair to provide an update regarding future work and forward planning.

- The Biometrics Recognition and Technology working group Chairs had met to discuss the Voice and Gait commission which had been updated from a review into a scoping project that would run until March 2024.

2.9   The Chair confirmed that the Secretariat were working to review and update the BFEG Terms of Reference and update the Terms of Reference for the Working Groups. These would be circulated soon for review.

2.10 The Secretariat raised a desire to provide an overview of expertise, past and present, of panel members.

- It was raised that an infographic or overview of BFEG function and expertise would be useful for external engagement.

2.11 The Chair confirmed that the annual report was being drafted for review in the next year.

2.12   A BFEG member raised that head of Data for the Metropolitan Police should be invited to a future meeting so BFEG can take a more active role in the rollout of Facial Recognition within policing.

ACTION 2: Secretariat to collate an overview of the BFEG panel expertise.

ACTION 3: Secretariat to prepare the annual report for distribution.

ACTION 4: Secretariat to arrange meeting with the Metropolitan Police data lead.

3   AI Principles update

3.1   Members expressed frustration that the AI Principles document had been produced at a fast pace but there had since been a significant pause at the Home Office. Members expressed frustration that a delay to publication could result in reputational damage.

3.2   It was confirmed that Home Office wished for the publication to be delayed until July. BFEG members expressed significant frustration with this and agreed they wished to publish the document.

3.3   The Chair noted the issue had been raised with the Minister.

4   Introduction to Tony Eastaugh

4.1   Tony Eastaugh introduced himself as the new Biometrics and Surveillance Camera Commissioner introduced himself and was welcomed by members.

4.2   Tony Eastaugh shared that his aim was to make the organisation fit for transition into the new structures covered once the Data Protection and Digital Information Bill had passed through the House.

4.3   Tony Eastaugh had written an introduction which had been sent to members. He confirmed there would be a fit-for-purpose hand-over of all duties from the Commissioner to the relevant agencies.

5   Policy update

5.1   Policy provided an overview on the implications of transfer from Biometrics and Surveillance Camera Commissioner functions that will occur once the Data Protection and Digital Information Bill becomes law. Policy confirmed case working functions would move to Investigatory Powers Commissioner's Office (IPCO) and the abolition of the Commissioner's role was only approved following significant public consultation. Policy reflected on how the Information Commissioners Office (ICO) and the Equality & Human Rights Commission (EHRC) already regulate and oversee existing areas covered by the Commissioner, but their role would now become more involved. Policy raised that BFEG could increase their relationship with those bodies or their work on relevant areas if it was considered that a shortfall had occurred.

ACTION 5: Secretariat to facilitate introductions with IPCO, ICO and EHRC.

5.2   The Data Protection and Digital Information Bill had finished the third reading in the House of Commons and would have a second reading in the House of Lords on the 19th December,

5.3   Ahead of the meeting, a series of reports and matters of interest had been circulated by members of the committee. These were put to policy officials requesting comment. Policy responded to each matter; responses are reflected below.

5.4   Policy provided an update on the AI Safety Summit and Fringe events. The summit aimed to better understand risks of AI, further international collaboration, identify further measures and standards needed. The summit was deemed a success, with Home Office ministers hosting a couple of sessions.

5.5   The Home Office AI Strategy began in Autumn and the Home Office aim to publish this strategy as soon as possible. Policy offered to provide a presentation on the Strategy to BFEG.

5.6   BFEG questioned whether there was a role for the Group in providing oversight to the work the Home Office may be doing around AI Safety. Policy raised that Home Office AI strategy would be presented to BFEG and feedback from BFEG would be welcomed.

        ACTION 6: Secretariat to liaise with policy to arrange a presentation on the Home Office's AI strategy at earliest opportunity.

5.7   Policy confirmed there was extremely limited need for the integration of the Police National Database (PND) with other sources. Only in exceptional circumstances will police forces request information from passport and borders. Any data sharing will meet the strict criteria of necessity and proportionality.

5.8   Policy positively commented on the publication of Office of the Police Chief Scientific Advisor covenant of the use of AI in policing, suggesting it should be widely used.

5.9   Policy fed-back that the Policing Minister was keen to look into using AI in policing, including use, testing and evaluation.

5.10   Policy informed the group that the Home Office had published a fact sheet on Facial Recognition.

5.11   BFEG questioned whether the Fact Sheet would be updated based on legislative or technological developments and whether BFEG could support this. Policy confirmed this would be continuously updated so it would be a useful resource.

5.12   BFEG questioned where biometric data was stored, and which authorities were involved in testing of facial recognition systems. Policy advised resources were only allocated for evaluation, not testing, such as an outcome framework from facial recognition, e.g., the extent of crime prevention, public perception (on policing, or places they live). BFEG offered their services as needed.

5.13   BFEG questioned whether Policy had considered that Facial Recognition could develop in a similar manner to the development and use of stop-and-search and questioned whether potential risks were being reviewed. Policy confirmed that similar cases were being considered and were driving the desire to conduct and develop an evaluation process. Public perception of the technology was acknowledged as important.

5.14   The Biometrics and Surveillance Camera Commissioner informed BFEG they would be meeting with the Minister and seeking their views on Facial Recognition. The Commissioner offered to share reflections.

5.15   BFEG were informed that the third-party material clauses in the Victims of Prisoners Bill had been introduced and there was an amendment related to territorial extent of the service, to give protections to individuals with reports.

6   Presentation from Home Office Strategy

6.1   An official from Home Office Science and Technology Strategy team provided an overview of the development of a Science and Technology strategy across the department.

Paper 4:   Home Office Science and Technology Strategy presentation

6.2   The Official indicated the need for a Science and Technology Strategy within the Home Office to improve the use of Science and Technology across the Department. The Strategy would embed scientific advice both from within and outside the Home Office to inform how Science and Technology can help solve challenges within government.

6.3   The work on the Science and Technology Strategy had progressed at pace and it was expected that the Strategy would be published in March 2024.

6.4   The official noted that workshops had taken place within central government to gain perspectives on how science was being used or could be used in government. Workshops were on topics including futures, horizon scanning, commercial engagement and others.

6.5   The Strategy official mentioned that Science and Technology was delivered through partnerships with industry and academia and thus methods for engagement and maintaining engagement would be embedded into the strategy.

6.6   BFEG questioned whether scientific studies had been considered in the development of the Strategy or whether experts had been invited to any workshops. The strategy official confirmed that a range of individuals from across the Home Office attended these workshops, this included as experts and technologists among others. The Strategy team were planning on engaging with industry and academia to critique the Strategy.

6.7   BFEG questioned whether discussions had only been internal rather than relying on external stakeholders. The Strategy official confirmed they would be seeking engagement with industry and academia on the strategy before it was published.

7   An update from the Accelerated Capability Environment (ACE)

7.1   Members from ACE were unable to attend so the BFEG workstream lead provided a progress update.

7.2   Work was underway to develop a pilot in which BFEG could offer ethical advisory service directly to ACE on Home Office projects. It was noted that third party involvement would alter the review process and a suitable Memorandum of Understanding would be required. A meeting would be scheduled with ACE to review this in the new year.

ACTION 7: Secretariat to draft a Memorandum of Understanding, to support working relationship between ACE and BFEG, and arrange a meeting with ACE to progress.

7.3   BFEG raised concern that the workload may be too great (or too little) from the collaboration with ACE. It was agreed it was essential for workload(s) and expectations to be reviewed. It would need to be considered what BFEG can offer as an advisory service versus what would be considered consultancy.

7.4   BFEG raised the need to have mechanisms in place to understand how the work will be dealt with reflecting on the need for a meeting to consider this. A member of BFEG raised that the triaging process for each case would need to be tested and reviewed, as would the capacity and function of the Working Group's within BFEG.

ACTION 8: Secretariat to undertake a review of BFEG Working Groups including current membership and purpose(s).

7.5   A member of BFEG raised that the process by which individuals come to BFEG with issues should be as streamlined as possible. It was raised that BFEG wish to know the processes by which ACE want to work. It was also raised that BFEG should start with a few cases to consider workloads and what would be manageable.

7.6   A member of BFEG raised a concern that BFEG could become a de-facto ethics committee for ACE where a more appropriate role would be

empowering ACE to provide their own ethics advice. However, it was also raised ACE did not have appropriate ethical insight to provide their own ethics advice. This would be an area of ongoing discussion.

7.7   BFEG considered the limited resourcing within the Secretariat and queried whether ACE would provide funding or resource for BFEG secretarial support. The BFEG Secretariat shared with BFEG that recruitment for additional secretarial support in the Home Office was underway. Secretariat confirmed ACE funding focused on support for potential research requests as and when needed.

8   An update from the National Police Chiefs Council (NPCC) and Association of Police Chief Commissioners (APCC) on the Policing Ethics Body (PEB)

8.1   A representative from the NPCC provided an update on the PEB:

- Members were reminded of the BFEG Forum meeting held in September which focused on how BFEG could be used to support digital ethics on a national scale for policing. There has been significant uptake of this idea following the September meeting.

- During preparation for the PEB pilot, the NPCC had been made aware there were already several stakeholders involved in this work. NPCC were looking to arrange a meeting in the first week of January 2024 for Police leads to consolidate a joint position.

- NPCC representative raised the need for an evaluation process for BFEG and Policing to ensure the pilot works.

8.2   A member of BFEG clarified that the recommendations from BFEG would be advisory.

8.3   A representative from the APCC confirmed that APCC were interested in the independent advisory advice of BFEG to ensure APCC can fulfil their statutory duty. An APCC representative indicated that police and crime commissioners are questioned on how decisions are made, so it was considered unlikely that advice would be ignored. Therefore, the outcomes and advice from work with BFEG would be carefully considered.

8.4   A member of BFEG raised that it would be beneficial for Tom McNeill from the APCC to provide his perspective. The NPCC representative confirmed that the workshop would provide an opportunity for a range of stakeholders to take part and provide their perspective.

8.5   Secretariat raised that Professor Sorell had attended an event hosted by the Equality and Human Rights Commission on the police adoption of new technologies. Professor Sorell noted that the event included several representatives from Policing and Civil Rights Organisations. Attendees at the

event discussed facial recognition, including live and retrospective. PEB was discussed and had been well received.

- A member queried whether the abolition of the Office of Biometrics Commissioner (and the Biometrics and Surveillance Camera Commissioner) was raised at the event. It was confirmed this was not discussed.

8.6   Contributions from Professor Sorell in leading this workstream for BFEG were formally acknowledged and thanked.

9   Forensic Information Database Service (FINDS) Strategy Board (SB) update

9.1   An officer from FINDS provided an overview of strategic areas that FINDS had been working on.

Paper 6: FINDS SB Update

9.2   An officer from FINDS provided an update on work presented at the December 2023 BFEG meeting. FINDS would be shortly finalising guidance with the National Crime Agency (NCA) and the International Commission on Missing Persons (ICMP) to support identification of missing individuals believed to be lost in the War in Ukraine.

9.3   An officer from FINDS confirmed that the Strategy Board (SB) approved a one-off bulk search of the unidentified human remains (UHR) held on the National DNA Database against the static vulnerable person DNA profiles. A proposal would be tabled at the next FIND SB (December 2023) to routinely run this bulk search quarterly, so that newly loaded UHR can be checked against these static records. Consent to allow this would be obtained on new vulnerable persons DNA profiles.

9.4   A member of BFEG questioned how new profiles were to be kept separate from older profiles where consent for continuous searching against UHR was not obtained. The FINDS officer confirmed the old profiles are unsearchable but new profiles would be searchable against UHR.

9.5   A BFEG member questioned whether, given the move of governance, oversight and monitoring of retention of DNA samples to the NPCC Forensics Portfolio Board, there would be sufficient public accountability. A FINDS officer said this oversight was related to monitoring of samples however, this was an ongoing question that would be discussed at a future strategy board meeting. Another member of BFEG confirmed that the NPCC would provide an oversight and coordination function rather than being accountable for the work.

Paper 6: FINDS SB Update – Strategic Facial Matching

9.6   The FINDS officer gave an overview of the new oversight of custody image retention. Custody images were being moved from the PND to the new IDENT1 Unified Collection of Custody Images (UCCI) container. FINDS SB will resolve data integrity issues and ensure the accuracy and integrity of the UCCI. Overall governance will fall under the purview of the strategy board as defined in the FINDS Strategy Board Governance Rules.

Paper 6: Enhancement of the Y-STR sample collection by postal service

9.7   The FINDS officer presented and update on the Y-STR project (where samples from UK males would be collected to create a forensic database so Y-STR matches can be found). FINDS was preparing to roll-out a postal service to get more samples for the project as it is difficult to get sufficient samples via in-person sample collection only, as part of this FINDS would collect names and addresses of individuals to send kits to which would then be deleted after kits were received.

9.8   A member of BFEG questioned how FINDS would know whether the sample belonged to the person sending the sample. FINDS confirmed this was not possible but the chance of this occurring was on a risk register and would likely be a small proportion of samples.

9.9   A FINDS Officer also indicated that as part of the Y-STR project FINDS wanted to add the data to the international Y-STR Haplotype Reference Database (Y-HRD) which required ethical sign-off. FINDS had been unable to get ethical sign-off from an academic institute ethics department. It was raised whether BFEG could provide a letter of endorsement and FINDS would explore whether this would be sufficient.

9.10   A member of BFEG raised that whilst a letter of endorsement would be helpful, the project would still most likely need university ethical endorsement. The FINDS officer recognised this would be an ongoing challenge.

9.11   The new head of FINDS was introduced to the group who will take over liaising with BFEG.

        ACTION 9: Secretariat to liaise with FINDS officers to develop the proposal for BFEG endorsement.

10   Any other business (AOB)

10.1   Next meeting was suggested as a hybrid meeting for 11th April 2024, which would allow sufficient time for work of BFEG to progress and for new members join.

10.2   A member raised the update on the missing 'S' on the BFEG logo. The Chair confirmed this would be resolved.

10.3   A member raised how the Fact Sheet from Policy on Facial Recognition would fit with the Surveillance Camera Code of Practice. Tony Eastaugh confirmed he would be able to provide an update in the future.

ACTION 10: Secretariat to liaise with the interim Biometrics and Surveillance Camera Commissioner for an update on the cohesion of the Facial Recognition fact sheet and the Surveillance Camera Code of Practice.

Annex A – List of attendees and apologies

Present (BFEG Members)
- Professor Mark Watson-Gandy *(Chair)*

- Mr David Lewis

- Professor Richard Guest

- Professor Niamh Nic Daeid

- Dr Nóra Ni Loideain

- Professor Sarah Morris

- Professor Emeritus Charles Raab

- Professor Thomas Sorell

- Professor Denise Syndercombe Court

- Dr Peter Waggett

Apologies (BFEG members)

- Professor Ann-Maree Farrell

Present (Home Office (HO) officials and Stakeholders)

- Forensic Information Database Service, HO

- BFEG Secretariat, HO

- Association of Police Chief Commissioners representatives

- National Police Chiefs Council representative

- Home Office Policy representative

- Tony Eastaugh, Biometrics and Surveillance Camera Commissioner (*observer*)

Apologies (Home Office (HO) officials and Stakeholders)

- Accelerated Capability Environment

Annex B – outstanding actions list

March 2020 **Action 3:** Complex Datasets working group to produce general guidance on ethical issues in binary classification systems.

October 2021 **Action 7:** Secretariat to develop a template to provide to presenters based on the BFEG ethical principles.

March 2023 **Action 2:** Policy representative to feedback concerns regarding digital forensics to the Forensic Science Regulator.

July 2023 **Action 1:** Members to provide policy with a list of their concerns regarding the lack of oversight and ethical governance for facial recognition, following the abolition of the Biometrics Surveillance Camera Commissioner.

July 2023 **Action 2:** Members to collate questions for a meeting with director of intelligence at the Metropolitan Police Service.

July 2023 **Action 3:** Link to FINDS annual report to be provided to BFEG members.

July 2023 **Action 4:** Officers at FINDS to provide an update on progress with regard to the missing persons DNA project, including what biometrics had been used.

July 2023 **Action 5:** Officers in the Office for the Biometrics and Surveillance Camera Commissioner to provide an update on progress with regard to the abolition of the role, including potential for representatives from ICO and IPCO to attend a future BFEG meeting to address governance and ethics frameworks in place to address the abolition of the surveillance code of practice.

July 2023 **Action 6:** Secretariat to coordinate agreement of a deputy chair for each BFEG working group.

September 2023 **Action 1**: Secretariat to liaise with DBS project delivery team and BFEG to determine next steps.

September 2023 **Action 2:** Secretariat to co-ordinate a presentation from the centre for data analysis and policing (CDAP) to a future BFEG meeting.

September 2023 **Action 3:** Secretariat to liaise with ACE and facilitate a BFEG representative attendance at an open-source intelligence event hosted by ACE.

December 2023 **Action 1:** Secretariat to arrange and organise a lunch and learn session(s) to be delivered to the Home Office.

December 2023 **Action 2:** Secretariat to collate an overview of the BFEG panel expertise.

December 2023 **Action 3:** Secretariat to prepare the annual report for distribution.

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