



Biometrics and Forensics Ethics Group

Meeting Minutes **September 08 2023**

Notes of the 24th meeting held on 08 September 2023 in person at Doubletree by Hilton, Angel, London and over videoconference.

1 Welcome and introductions

- 1.1 Mark Watson-Gandy, Chair, welcomed all to the 24th meeting of the Biometrics and Forensics Ethics Group (BFEG) – 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:
 - Dr Peter Waggett raised his employment at IBM with relation to agenda item 2 and the awarding of the supplier of the Home Office Biometrics (HOB) strategic matcher tool to IBM. Dr Waggett also noted his membership of the BFEG HOB Ethical Working Group (WG).
 - Mr Dave Lewis raised that he was working on development of a forensic strategy for the Albanian foreign office.
 - Professor Emeritus Charles Raab raised the following: he was the co-chair for the data ethics group at the Alan Turing Institute, a member of the AI data ethics group for the University of Edinburgh and a member of an AI ethics panel for Scotland.
 - Professor Nora Ni Loideain raised that she was consulting for the Alan Turing institute on development of a biometrics policy roadmap.
- 1.3 Subject to amendments which had been received and would be reviewed over email, the minutes of the last meeting were agreed.
- 1.4 Due to time restraints of the meeting, the actions were to be reviewed offline. 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 shared condolences with the membership of BFEG for a recent member, Professor Nina Hallowell, who had passed away earlier in the year. The Chair reflected on her commitment to BFEG and excellent contributions during her membership.

- 2.2 The Chair raised the following membership updates to panel members, since the last meeting in July:
- Professor Simon Caney had resigned BFEG, ahead of the end of his term in March 2024, due to time restraints.
 - Dr Julian Huppert, who had been co-opted onto BFEG following the end of his term to complete the Artificial Intelligence (AI) Charter, would be demitting following publication of the AI Charter.
 - Lord Sharpe, Parliamentary Under Secretary of State for the Home Office, had agreed to the extension of Professor Tom Sorell, Professor Denise Syndercombe-Court and Dr Peter Waggett membership terms commencing in March 2024.
 - Lord Sharpe had agreed to the recruitment of 6 additional members of BFEG. The advert was live and would close on 11 September 2023.
 - [A news story announcing the reappointment of Professor Mark Watson-Gandy as BFEG Chair](#), for a further two years, had been published.
- 2.3 The Chair updated members on the progress of the AI WG noting that the BFEG AI Charter was due to be published, copies would be sent to ministers and the Charter would be uploaded to BFEG webpage. The Chair thanked members of the AI WG for their input.
- 2.4 The Chair noted to members that since the last BFEG quarterly meeting the Data Ethics Advisory Group (DEAG) had met with the National Criminal Justice Laboratory team (NCJL) for a two-hour virtual meeting where project specific advice and challenge was shared. Members had also shared written advice with the NCJL on a submission proposal.
- 2.5 Regarding recent engagement matters the secretariat had made contact with the Accelerated Capability Environment (ACE) acting on suggestions from the December 2022 BFEG quarterly meeting. ACE would be presenting in agenda item 7, which would hopefully generate a further stream of work for BFEG as well as greater awareness of the vital role BFEG and ethics plays both within the Home Office and externally.
- 2.6 The Chair noted to members of BFEG that work was underway to invite [Abi Tierney](#) to speak with BFEG in her role as Home Office (HO) ethics advisor.
- 2.7 The Chair noted a written update had been provided from the Office of the Biometrics and Surveillance Camera Commissioner, any comments would be shared with the Commissioner's Office for response. No comments were received.

3 Home Office Biometrics (HOB) update

- 3.1 An official from the HOB programme was invited to speak with BFEG and provide an update on the work of HOB.
- 3.2 It was noted that the BFEG HOB Ethical WG had not been engaged since August 2022 which was due to the type of work the HOB programme had been completing over the last year. The official shared that since August 2022 HOB had had approval for the HOB Programme Business Case and six priorities had been identified for 2023-24.
- 3.3 The official updated BFEG members on the core programme elements and timelines and noted that agreement had been received to extend the HOB programme until March 2026.
- 3.4 The official noted that HOB programme was undergoing a data protection refresh follow an audit by the office of the Data Protection Officer. HOB was collaborating with the Forensic Information Database Service (FINDs) on this and would consult with the HOB Ethical WG as appropriate.
- 3.5 The official outlined that there was an intention to arrange the next HOB Ethical WG meeting in December 2023.
- 3.6 A member of BFEG encouraged HOB officials to engage with BFEG at early stages so meaningful advice could be given and BFEG could be used effectively as a resource. The HOB official acknowledged and agreed.
- 3.7 BFEG members reflected on methods of encouraging early engagement, flexibility and ease to respond. It was suggested that agendas for working group meetings could be shared with the full BFEG panel.
- 3.8 A member of BFEG queried if there was a likely increase in the use of biometrics and the types of biometrics used for migration. The HOB official responded that at present the focus was on facial images and fingerprints but noted there continues to be HOB work with Policy colleagues to discuss future Policy. The HOB official suggested BFEG could be engaged in these conversations.
- 3.9 A member of BFEG noted that various existing documents produced by BFEG, such as the [BFEG Ethical Principles](#), could support officials to produce documents where ethics require consideration.

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

- 4.1 An official from FINDS provided an overview of the services provided by FINDS.

- 4.2 Two papers were provided to attendees ahead of the meeting. The first related to a proposed collaboration between FINDS and the United Kingdom (UK) Missing Persons Unit (UKMAP) (within the National Crime Agency (NCA) and the International Commission on Missing Persons (ICMP) to support individuals who believe they have lost family members in the War in Ukraine to identify missing relatives via relationship testing. The second summarised the process for a missing persons investigation in the United Kingdom (UK). During the meeting the official from FINDS summarised these papers and BFEG discussed.

Paper 1: Collaboration with the ICMP

- 4.3 A member of BFEG questioned what chemistries the ICMP was using for relationship testing. The FINDS representative responded that they were unable to provide details but confirmed that this would be queried as relationships with ICMP developed.
- 4.4 A member of the BFEG queried whether there had been a history of collaboration between FINDS and the ICMP, specifically querying whether existing governance structures were in place. The representative from FINDS outlined that in the past relationships between the FINDS and the ICMP had largely been via the European Network of Forensic Science Institutes DNA Working Group of which UK Forensic Science Practitioners participate. It is intended that this collaboration would strengthen relationships.
- 4.5 Following a question from BFEG, the FINDS representative confirmed that FINDS were facilitating the process and would not be heavily involved in the development of equality impact assessments or data protection impact assessments (DPIAs).
- 4.6 A member of BFEG noted that there were a number of different bodies/organisations involved and that there would be a need for a co-ordinated approach to ethics. Support was offered from BFEG to facilitate as and when needed. It was also noted that there is a range of existing international ethics guidance.
- 4.7 The representative from FINDS confirmed that as the process developed, advice would be sought from BFEG.

Paper 2: Summary of a Missing Persons Investigation in the UK

- 4.8 A member of BFEG highlighted the need to consider the “concept of a missing person” from an ethical perspective, noting that some individuals may have a desire to go missing (e.g., victims of abuse). The representative from FINDS acknowledged this and outlined that safeguarding was a first priority in a missing persons case and the circumstance for disappearance were considered during the risk assessment conducted by the police. It was clarified that defining such circumstances would not be in the remit for FINDS.

FINDS SB update

- 4.9 The representative from FINDS provided the BFEG with key updates from the last FINDS SB.
- 4.10 BFEG requested further information regarding the Forensic Science Archive, enquiring what permanent solution would be implemented. The representative from FINDS confirmed a long-term solution to store data on a stable infrastructure was being explored.
- 4.11 In response to a question from a member of BFEG, the FINDS representative commented that an initial meeting to recommence the genetic genealogy project had been arranged and there was ambition to present a progress update at the next BFEG quarterly meeting.

5 Policy update

- 5.1 The group had received a written update from Data and Identity Policy ahead of the meeting. The main points were:
- Various actions had been taken to scale-up the police use of facial recognition.
 - The Biometrics and Surveillance Camera Commissioner had resigned and would be leaving the post on 31 October. Options to provide cover were being considered.
 - A response to the Department for the Execution of Judgments (European Court of Human Rights) comments on the implementation of the Gaughran judgment (relating to the need to review retention of the biometrics of convicted people) was being planned.
 - The departmental AI strategy was under development. The approach to safe adoption of AI within the department would cross-reference the BFEG AI WG's AI Ethics Charter.
 - Work was underway with stakeholders to ensure the smooth implementation of the Forensic Science Regulator Code of Practice on 2 October. A final commencement order would be laid ahead of the Code of Practice coming into force to commence the Act in full and afford all its powers to the Regulator.
 - Measures to ensure police requests for victim personal records (third party material) were necessary and proportionate were introduced at the Commons Committee Stage of the Victims and Prisoners Bill. A code of practice and best practice guidance for policing were being developed.
- 5.2 A member of the BFEG asked the Policy representative what plans were in place to ensure the best algorithms would be used for facial recognition. The

Policy representative outlined that plans were in progress to integrate the national physical laboratory into a standardised business process to test for accuracy and racial bias. There would be an expectation to explain why an algorithm was determined to be 'the best'. The representative from HOB added that any procured system would be subject to extensive testing (with real data) in the biometric accuracy testing environment. BFEG highlighted that the best available algorithm may not be the most accurate but one which is nationally applicable/implantable and meets the largest number of procurement criteria.

- 5.3 BFEG questioned what role it may have in the provision of advice to the Home Office as work on AI progresses. The Policy representative commented that the Department has prioritised four early adoption use cases and it would be expected that BFEG's AI WG would be involved in the assessment of the ethical approach taken for these and provision of advice.
- 5.4 A member of BFEG highlighted that BFEG had previously developed a briefing note on the [ethical issues in the public-private use of live facial recognition \(LFTR\)](#) and the [ethical issues raised by the use of LFTR](#) (which included ethical principles to inform the use of LFTR) which could be utilised in development of a facial recognition fact sheet.
- 5.5 A member of BFEG questioned if any specific issues had been raised by the European Court of Human Rights in relation to the Gaughran judgement. The Policy representative responded that from policy position was that existence within UK law was adequate.

6 New commission piece: Disclosure and Barring Service Project

- 6.1 Officers from the Home Office Automation Team and the Disclosure and Barring Service (DBS) Innovation team presented to BFEG on a first joint collaborative project. BFEG shared recommendations to the project team regarding ethical design.
- 6.2 Following the discussion, it was agreed that a follow up session, with a small working group of the BFEG may be necessary.
- ACTION 1:** Secretariat to liaise with DBS project delivery team and BFEG to determine next steps.

7 Presentation from the Accelerated Capability Environment (ACE)

- 7.1 Representatives from the Accelerated Capability Environment (ACE) presented to BFEG on their function and the ambition to work systematically with BFEG.

- 7.2 ACE was a unit of the Home Office which sits within the Homeland Security Group with functions in a range of organisations across government. Work was concentrated on data and digital matters with a focus on public safety and security.
- 7.3 The representative noted that ACE was a public private partnership, that works with academic networks. The intention of ACE was to remove barriers such as contracting to provide a service to policy makers to inform decision making at a variety of scales.
- 7.4 The representatives from ACE shared two example cases with BFEG to illustrate how ACE works and its impact.
- 7.5 Representatives from ACE suggested a process for engaging with BFEG to facilitate ethical oversight in Home Office projects and opened the floor to comments.
- 7.6 A member of BFEG noted resourcing within BFEG could be a problem depending on the potential volume of work anticipated. The representative from ACE acknowledged this. The representative from ACE noted that ACE could facilitate recommendations to project leads to fund specific research (such as reviews of ethical concerns) which could mitigate resourcing challenges.
- 7.7 A member of BFEG questioned whether there would be an ability for BFEG to highlight issues which members have identified to ACE to facilitate funding research questions. The representative from ACE responded that this would be possible and encouraged that any points of concern could be raised back to the team.
- 7.8 BFEG questioned how information on the various ongoing projects could be joined together to ensure existing research is utilised and work is not duplicated. The representative from ACE noted that the Home Office was in the process of developing the centre for data analysis and policing (CDAP) to co-ordinate various policing data projects.
- ACTION 2:** Secretariat to co-ordinate a presentation from the centre for data analysis and policing (CDAP) to a future BFEG meeting.
- 7.9 The representatives from ACE shared their ambition to get ahead of certain matters, as such ACE were looking to host an event for senior officials around the use of open-source intelligence. ACE suggested ethical insights from BFEG would be beneficial.
- ACTION 3:** Secretariat to liaise with ACE and facilitate a BFEG representative attendance at an open-source intelligence event hosted by ACE.
- 7.10 The Chair closed the agenda item by noting that there was enthusiasm for engagement and an ongoing working relationship to be developed.

8 Joint presentation from the National Police Chiefs Council (NPCC) and Association of Police Chief Commissioners (APCC)

- 8.1 The policy manager for forensics and biometrics at the Association of Police Chief Commissioners (APCC) and the staff officer for the National Police Chiefs Council (NPCC) ethics portfolio lead presented to BFEG on the possibility for BFEG to review the ethics of national level policing digital and data projects.
- 8.2 The APCC representative commented that there were local bodies that reviewed the ethics of such cases but, at the time of the meeting, no national level function.
- 8.3 The NPCC representative shared with BFEG the existing ethics functions noting that most police services have local ethics committees, there were four regional ethics committees (typically chaired by NPCC leads) and there was a police national ethics committee (PNEC).
- 8.4 The NPCC representative commented that PNEC had broad membership, covering faith leaders, senior police officials, community representation and academics. The representative commented that these committees would typically consider ethical dilemmas but noted that data and digital projects required expertise not currently covered by the committee.
- 8.5 It was acknowledged that as the volume of data and digital projects increase, with increasing use of artificial intelligence and machine learning for example, ethical review would be likely to require a specific resource.
- 8.6 It was noted that this was originally a recommendation of the Justice and Home Affairs committee report "Technology rules? The advent of new technologies in the justice system".
- 8.7 BFEG was provided with an indication of the possible cases that may need ethical review and the risks if a national committee was not established.
- 8.8 A member of BFEG requested a list of areas chief constables and commissioners may require ethical review, including areas that would need to be excluded.
- 8.9 A member of BFEG recommended existing BFEG materials were shared widely and reviewed. It was confirmed that the BFEG already has relevant documentation such as the BFEG Ethical principles and the briefing note on LFTR.
- 8.10 BFEG members questioned what the ministerial interest would be for a national ethics body, considering the Governments response to the report did not address this recommendation. The representative from APCC noted the

interest was with regard to the scale up of facial recognition technology within policing.

8.11 The representative from the NPCC reflected on the importance of restoring public confidence in policing.

8.12 The representative from APCC and NPCC summarised next steps.

9 Any other business (AOB)

9.1 No AOB was raised.

Annex A – List of attendees and apologies

Present (BFEG Members)

- Professor Mark Watson-Gandy (*Chair*)
- Mr David Lewis
- Professor Ann-Maree Farrell
- 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 Liz Campbell
- Professor Mark Jobling

Present (Home Office (HO) officials and Stakeholders)

- Forensic Information Database Service, HO
- Data and Identity Unit, HO
- BFEG Secretariat, HO
- Home Office Biometrics, HO
- Digital, Data and Technology Unit, HO
- Disclosure and Barring Service
- Home Office Automation
- Association of Police Chief Commissioners
- National Police Chiefs Council representative
- Accelerated Capability Environment
- Home Office Science Unit, HO (*observer*)

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.