Law Enforcement Data Service & Home Office Biometrics Open Space

Developing a process for dialogue between interested civil society organisations and the Home Office

Workshop five: 14 May 2019

involve

Welcome & Introductions

Introducing the 'Open Space' process

Purpose of process

To establish a productive space where the Home Office and civil society can have safe and productive conversations about two Home Office programmes: the National Law Enforcement Data Programme; and the Home Office Biometrics Programme.

If successful, the proposed process will contribute to:

- effective civil society input into the transfer process of the PND and PNC;
- the development of a more robust Privacy Impact Assessment;
- the development of the Code of Practice; and
- the development of an ongoing process of collaboration between the Home Office, civil society organisations and organisations from other sectors.

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Introductions

Issues discussed in previous workshops

Process

- Agreed ways of working
- Agreed scope of the process
- Agreed to include HO Biometrics Programme
- Discussed potential Open Space annual report
- Agreed to continue the Open Space

Content

- Code of Practice
- Governance and Inspection
- Data Quality and Ethics
- Evidence in LEDS
- Custody Images
- Audit
- HOB Priority Issue Areas

Today

Workshop 5: Core issues

Purpose

- To provide an opportunity to:
  - Check progress on Open Space **actions**
  - Confirm **core process** plans (annual report & terms of reference for the Space)
  - Discuss the **Code of Practice** drafting
  - Look at plans for the **LEDS DPIA** drafting
  - Hear an update from key people working on **Custody Images**
  - Explore in more detail the **HOB programme** & its **privacy assessments**

Agenda

- Introductions
- Progress on actions & outputs from the Open Space
- Open Space Annual Report
- Open Space Terms of Reference
- Break
- Code of Practice
- Lunch
- LEDS Data Protection Impact Assessment
- Custody Images update
- Break (when needed!)
- HOB areas of work & privacy impact assessments
- Actions and next steps

Progress on actions

Progress on actions

	Audit and Inspection
	Code of Practice and training
	Data Sharing
	Data Quality
	Governance
	Open Space Process
	Design
	Papers and Information Updates
	HOB
	Custody Images
	National Register of Missing Persons

LEDS Open Space Action Log – 29/04/2019 v2.2.14
Ongoing Actions 29/04/2019

#	Actions	Deadline	Status	When from?
10	HO to produce report on what defines an entity on system & session to be held on this at future workshop.	May'19	Ongoing. This will be defined in a separate note. Bring back updated Code of Practice paper and paper on progress on Code of Practice together with what is an entity for Feb'19. Action 10,11,12,14, 15 will be included in combined paper. 1 page paper to be written **Update – paper being written**	Oct'18
16	HO committed to providing provocation paper on data sharing in LEDS, including but not limited to the types of data shared and sharing of data with 3rd parties.	Jun'19	Ongoing. Substantive discussion on data sharing and Example of Data Sharing Agreement and Paper will be produced for May'19. Update by 09 April Paper not yet started – recruitment of team member to take forward this paper has been completed and paper to be provided in Jun.	Jul'18

Progress on actions

- Management of actions & interim updates on progress
- Involve's role in reviewing actions
- Any specific actions to review?

Outputs, Progress & Programme update

Output / Progress	Governance, Inspection, Oversight	Code of Practice and Training	Custody Image Policy	Data Sharing	Data Quality	DPIA	Open Space
Document purpose	Describe the purpose and process of internal and external Governance for LEDS and HOB	Describe the requirement for and the outcome to be secured through the Code of Practice (Code) and how Training will be delivered to enable this	Describe the process through which the Custody Image policy will be developed and delivered	Describing the organisations that will share data, the circumstances on which that will happen, the data types shared and the protection to prevent misuse	Document to describe progress towards the expected and required data quality	Document to describe the outcomes of the DPIA	Document to provide Open Space principles. Document scoping the Open Space annual report.
Narrative	Produced consolidated paper covering HOB and LEDS bringing together the previous inspection and governance papers	Implemented the suggestions made by Open Space members to the stimulus paper creating a substantive paper on the proposed structure of the Code.	Paper updated to take account of the architectural changes and the commitment to resolve these in response to Open Space feedback	Working on substantive data sharing papers	Working on substantive data quality papers	Preparatory work on the next draft of the DPIA is underway	Update document with artefacts to retain actions
Latest version	LEDS and HOB Governance v1.0 (26.02.19)	Code of Practice part 2 v1.0 (30.04.19)	Custody Image part 3 v1.0 (30.04.19)	n/a	n/a	DPIA v1.0 (30.04.19)	Open Space – the future v1.0 (26.02.19) Open Space Annual Report Terms of Reference v1.0 (29.04.19) Open Space Terms of Reference v1.0 (29.04.19)
Key change log	First substantive document	Update to show progress	Update to show progress	First substantive document	First substantive document	First substantive document	First substantive documents
Last discussion	Agreed at 05/12/2018 workshop to roll over discussion to February workshop to provide more time for discussions	26/02/2019	26/02/2019	03/07/2018	04/10/2018	03/07/2018	26/02/19
Next discussion	Sep'19	May'19	May'19	Update July'19	Update July'19	May'19	May'19
Key outstanding issues	To provide transparent and coherent end to end Governance details including through what route public accountability will be provided for? How the inspection regime will underpin this Governance? Who will provide oversight and how will the public understand its impact?	None, comments made by Open Space Members in July 2018 incorporated in draft to be discussed prior to finalising drafting of code.	How will commitment to avoid storage of images post acquittal be implemented? Can this be guaranteed before LEDS go live?	Home Office to detail what data sharing will look like. Describe what the data types are.	Review how missing data affects data quality	Feedback from Members needs to be implemented. Need ongoing process for keeping DPIA up to date	What should the future arrangements in relation to the Open Space be? Terms of Reference
Stimulus Paper	Governance v1.2 Inspection v1.0 (20.09.18)	v1.0 - 20.09.18	n/a	n/a	v1.0 - 08.09.18	n/a	n/a
Artefacts	A5, A7	A12,A13	n/a	A1, A4	A2, A3	n/a	n/a
Related Actions from Action Log	2, 3, 6, 7, 9, 23, 24,25,26,27,68,69,79,84,85	10,11,12,13,14,15,96,97	72,73,74,75,76,77	16,17,18,21,40	19,20,22	n/a	29,30,31,32,33,34,35,36,37,38,39,41,42,54 55,56,57,58,59,60,61,62,63,64,65,66,67,78 83,86,87,88,89,90,91,92,93,98,99,100,101 102,103,104,105,106,107,108,109,110,111,112

Open Space Annual Report

Purpose

To provide transparency about the discussions within the Open Space over the previous year, identify progress and sticking points from the point of view of Civil Society and to hold the Home Office accountable for its commitments during the year.

Audience

Possible audiences for the report include:

- Civil society organisations with a general interest in the topic, but not taking part;
- Internal stakeholders within the Home Office, particularly those not directly taking part in the process;
- Interested members of the public; and
- Academics interested in this area

Content Headings

- Executive Summary (2 pages)
- Introduction (1 page)
- Activities 20xx – 20xx (4 pages)
- Open Space participants (2 pages)
- Impact of process (8 pages)
- Looking forward (2 pages)

Annual Report

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Open Space Annual Report key questions

- Does the purpose of the Annual Report require revision?
- Do the proposed structure and content require revision?
- Are participants content with the proposed process for drafting and signing-off the Annual Report?
- Subject to those revisions, should civil society participants in the Open Space commission an annual report?

Open Space Terms of Reference

Key changes

- Purpose expanded to include HOB;
- Purpose adapted to allow for further expansion if agreed;
- Purpose adapted to to clarify that it is an ongoing process; and
- A note including the core documents for Open Space added

PURPOSE OF THE OPEN SPACE

To establish a productive space where the Home Office and civil society can have safe and productive conversations about two Home Office programmes: the National Law Enforcement Data Programme; and the Home Office Biometrics Programme.

PRINCIPLES OF WORKING TOGETHER

All participants agree to:

- **Open collaboration:** engaging constructively in the process within the shared purpose of the process. In cases of significant disagreement, Involve will play a mediation role;
- **Engage early:** providing information, data and papers in good time, and identifying significant challenges and blocks as early as possible;
- **Agree to disagree:** not expect consensus on every issue, but to seek to identify, reach agreement on and seek solution to areas of disagreement;
- **Maintain confidentiality:** talking about the process and broad issues discussed as required without identifying individual positions or publishing confidential or embargoed material. In addition, participants agree to not identify the involvement of civil society organisations to others outside the process without the express permission of the organisation/s concerned;
- **Focus on the process:** engaging on issues of relevance to the scope of the process. This will not prevent organisations from engaging on wider issues and policies outside the space; and
- **Promote accessibility:** identifying and proposing the involvement of participants with a legitimate interest and expertise to engage.

Open Space ToR key question

Are you happy to approve the revised terms of reference to guide the work of the Open Space for the next year?

Coffee Break

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Code of Practice

Law Enforcement Data Service (LEDS)

Code of Practice Project Update for Open Space

May 2019

Version Number: 0.1
Date Issued: May 2019

Home Office

Code of Practice Timeline

- Iteration 1 (70% of Topics) - End of June 2019
- Public Guide to Code - End of July 2019
- Iteration 2 (95% of topics) - End of Sept 2019
- Final Draft of Code of Practice - January 2020
- 6 month consultation - July 2020
- Final Proof - August 2020
- Further Public Consultation (3 months) - November 2020
- Publish the Code - December 2020

Code of Practice

- to provide the framework and operational context to mandate **how the database is used**
- to provide to HMICFRS with **a robust document with which to inspect organisations**
- should cover all aspects **of the behaviours and use of LEDS**.
- should **not be a technical document**, but will reference other more detailed guidance.
- should be **usable for all relevant audience sections**, including the public, to **hold LEDS users to account for proper use of the system**
- Should be aligned to the **Code of Ethics for Policing** and the **Nolan Principles of Public Life**
- Should **align to relevant legislation**, such as the Data Protection Act 2018

The 7 principles of public life

- **1. Selflessness**

  Holders of public office should act solely in terms of the public interest.

- **2. Integrity**

  Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

- **3. Objectivity**

  Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- **4. Accountability**

  Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

- **5. Openness**

  Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- **6. Honesty**

  Holders of public office should be truthful.

- **7. Leadership**

  Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Policing Purpose

- Protecting life and property
- Preserving order
- Preventing the commission of offences
- Bringing offenders to justice
- Any duty or responsibility arising from common or statute law.

Layout

Function

Why?
What?
Further Guidance

What do we need to do to meet this requirement?

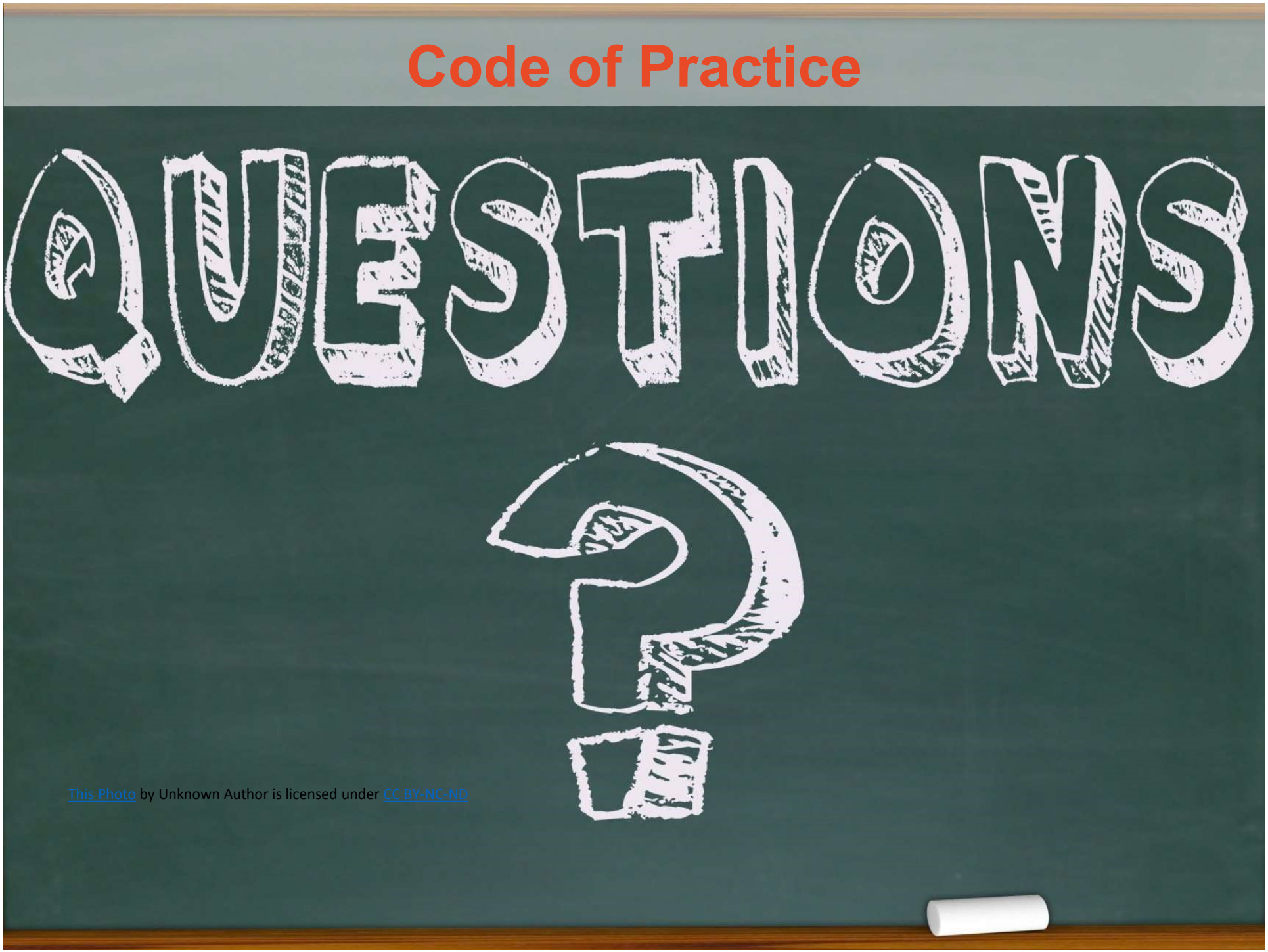
The Home Office is responsible for:

The organisation will be responsible for:

As an operational manager within the organisation you will be responsible for:

As a LEDS user you are responsible for:

Code of Practice



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Code of Practice key questions

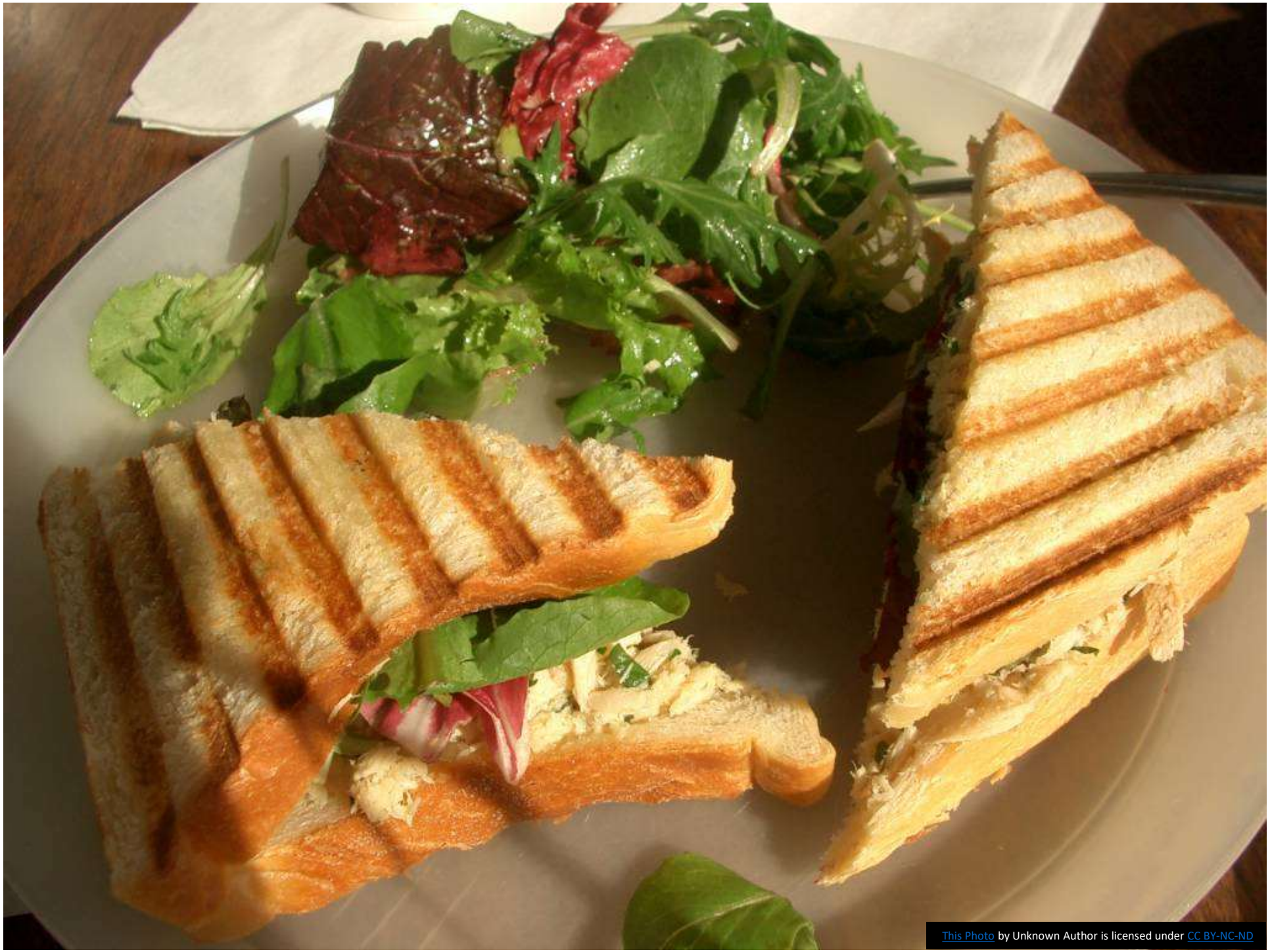
- Do the current drafting structure covers what was anticipated following earlier workshops and provides confidence in the drafting process?

- If not, what are the gaps that are emerging?

Code of Practice key questions

- Is it clear enough as to who is the intended audience for the Code?

- Is it clear as to how the Code will be used by?
  - The Home Office?
  - Organisations accessing LEDS?
  - Managers of those using LEDS in their day to day working practice?
  - Individuals using LEDS in their day to day working practice?
  - The public and stakeholders who are interested in ethical law enforcement practice?
  - Those whose data may be held on LEDS?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LEDS DPIA

Law Enforcement Data Service (LEDS)

Data Protection Impact Assessment Update for Open Space May 2019

Version Number: 1.0 **Date Issued**: May 2019

Home Office

Data Protection Impact Assessment

- GDPR includes a new obligation to conduct a DPIA for types of processing likely to result in a high risk to individuals' interests. **Need to identify wider risks.**
- Internal policies, processes and procedures are being adapted to ensure they meet the requirements for DPIAs under the GDPR. **Screening questions will be changed.**
- Individuals' rights and freedoms **need to be more explicitly included impacts on** – privacy, religious freedoms, rights to protest, freedoms to associate, lawful punishment, fair hearing, rights to life, liberty etc, need to be included, quantified in terms of quality and balanced where tensions exist.

PIA 2018

Issue	Concern	Mitigation
PND		
Facial search	Inconsistent application of common retention policy for custody images at a local force level.	Local custody image retention policy is under review to ensure retention length is necessary and proportionate.
Data quality	Data held on local force systems that feed into PND varies in quality and structure and accuracy. Inconsistency in local force data quality impacts on PND data quality.	Subject to resourcing, compliance with existing policing guidance on the management of police information (MoPI) may be thoroughly addressed. A Programme-led project dedicated to Data Standards is working with PND Users to improve PND data quality standards.
PNC		
Proportionality of holding certain records	The retention of arrest data (not charged or convicted), charging data (not convicted) or very minor historical conviction data can be perceived as not proportionate in data protection terms.	The proportionality of holding this data is under review, including primarily considerations regarding the purpose for which this data is held on systems.
LEDS		
Potential consequences of co-location / merging of data	Greater amounts of data are made available to Users – in both volume and type – that hinder rather than benefit Users' strategic or tactical objectives due to information overload.	Considered mitigations include partitioning specified data pools, rather than fully merging them, on LEDS. Detailed access-based-controls for both roles and organisations are also being developed within the Programme and will be clearly marked within Data Sharing Agreements.
	Some Users are able to access a greater-than-appropriate level of data for their individual role or organisation.	
	Individuals are brought to the attention of Law Enforcement Agencies for the wrong reasons or through inappropriate means.	
	Quality of PNC data is adversely affected by corresponding PND data.	
	Conflicts arise as a result of differing data management strategies in different User organisations.	
Retention variance	Retention periods vary between PND and PNC.	Whether or not to maintain data separation with specific retention regimes for data based on its provenance or to move to a single retention regime, likely based on MoPI, remains under consideration.

Concerns

Driver data
Victims Witnesses

Non crime data

Wider Impacts

Public perception and acceptance

Rights
Freedoms
Screening questions
Data Security

Risk Identification

Data Use

Custody Image retention and use
Predictive policing?
Role Based Access

Data Standards

More Details

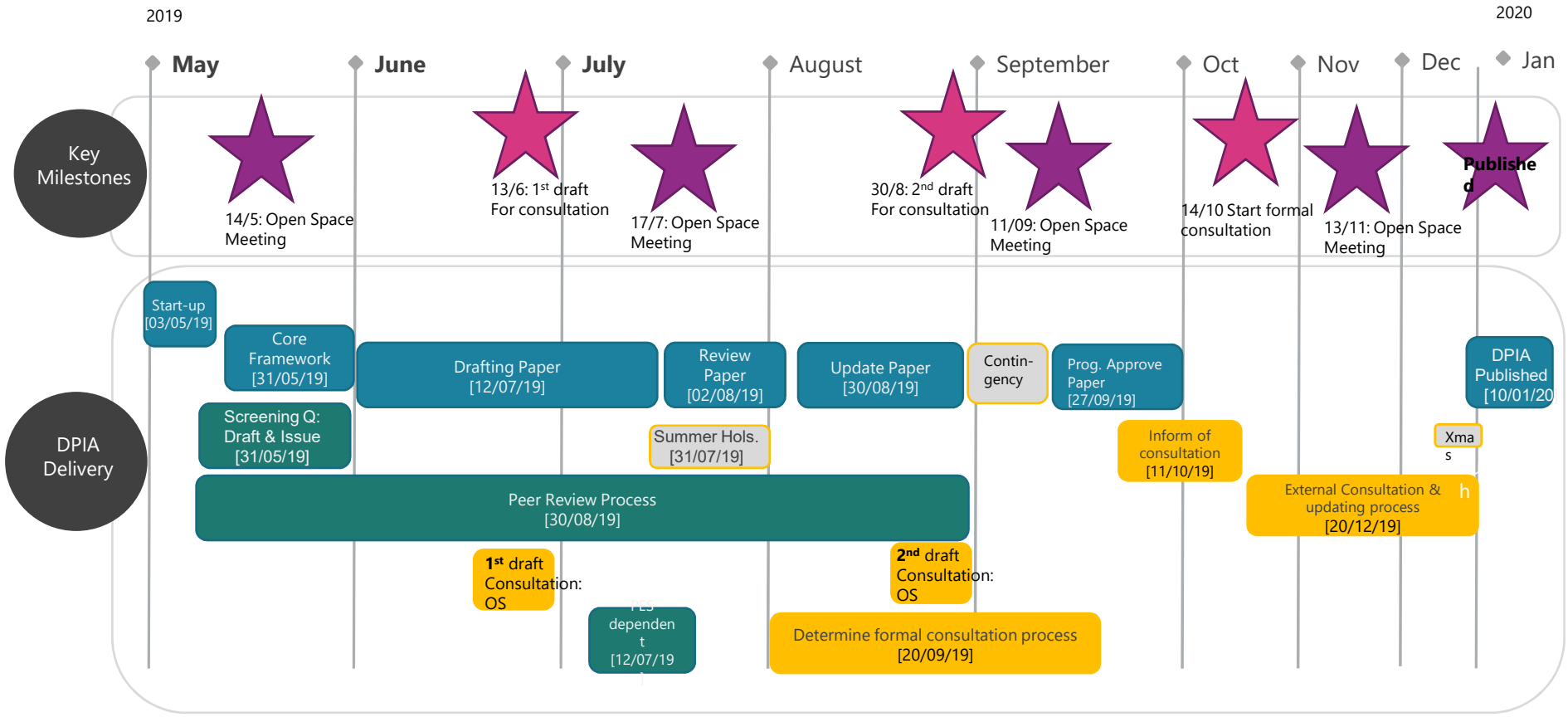
Functionality
Mitigations
Data aggregation / fair processing
Policy Equality Statement

Function creep
Big data
Data Deletion
Data accuracy

Overarching Ethical Framework

DSAR

DPIA Project Plan



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DPIA

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DPIA key questions

1. Do Open Space Members feel the list in Annex A is comprehensive?

2. If the list needed to be prioritised, how would this be achieved?

3. Are any items in this list of a lower priority / not essential?

4. Are there a number of ‘must have’ concerns to be resolved for the next draft?

5. What other organisations might be worthy of approaching to help with drafting the DPIA?

Custody Images

Management and Use

Custody Images – Current Position

- **Legislation & Guidance**
  - Police and Criminal Evidence Act (1984)
  - Management of Police Information Guidance (2010)
  - Data Protection Act (2018)
  - Custody Image Review (2017)
- **Challenges to Policing**
  - Data Connectivity
  - Legacy Images
  - Protecting the rights of the individual
  - Compliance
  - Operational effectiveness

Custody Images – Actions

- **Bulk deletion of legacy images**
  - Based on a set of nationally agreed rules (risk based)
  - Determined by offence, outcome and date
- **Improved metadata to facilitate management**
  - Consistency across the service
  - Based on nationally agreed data standards
- **Review of CIR**
  - Brought forward to 2019
  - Wider stakeholders to ensure a balanced view
- **Automation of deletion where possible**
  - Role of technology
  - Risk factors
  - National v local record/ownership
  - HOB

Plenary discussion on images

- Questions for clarification: do you need more information in relation to the proposed plan in terms of the timeframe, or about the issues relating to automated deleting?
- Would matching the images to the other biometrics deletion as under the Protection of Freedoms Act would be beneficial?
- Is the risk-based deletion approach appropriate for manual deletion?
- Any comments on the timeline?

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HOB granular detail discussion

Home Office Biometrics
Granularity paper

Open Space

Digital, Data
& Technology

Recap

HOB Programme areas discussed so far:

- Background to HOB Programme
- HOB systems
- HOB developments and capabilities
- Personas
- HOB governance

HOB Granularity

The paper covers:

- Biometric inputs
- System connections
- Types of usage
- Legislation
- Future Strategic Matcher & logical separation

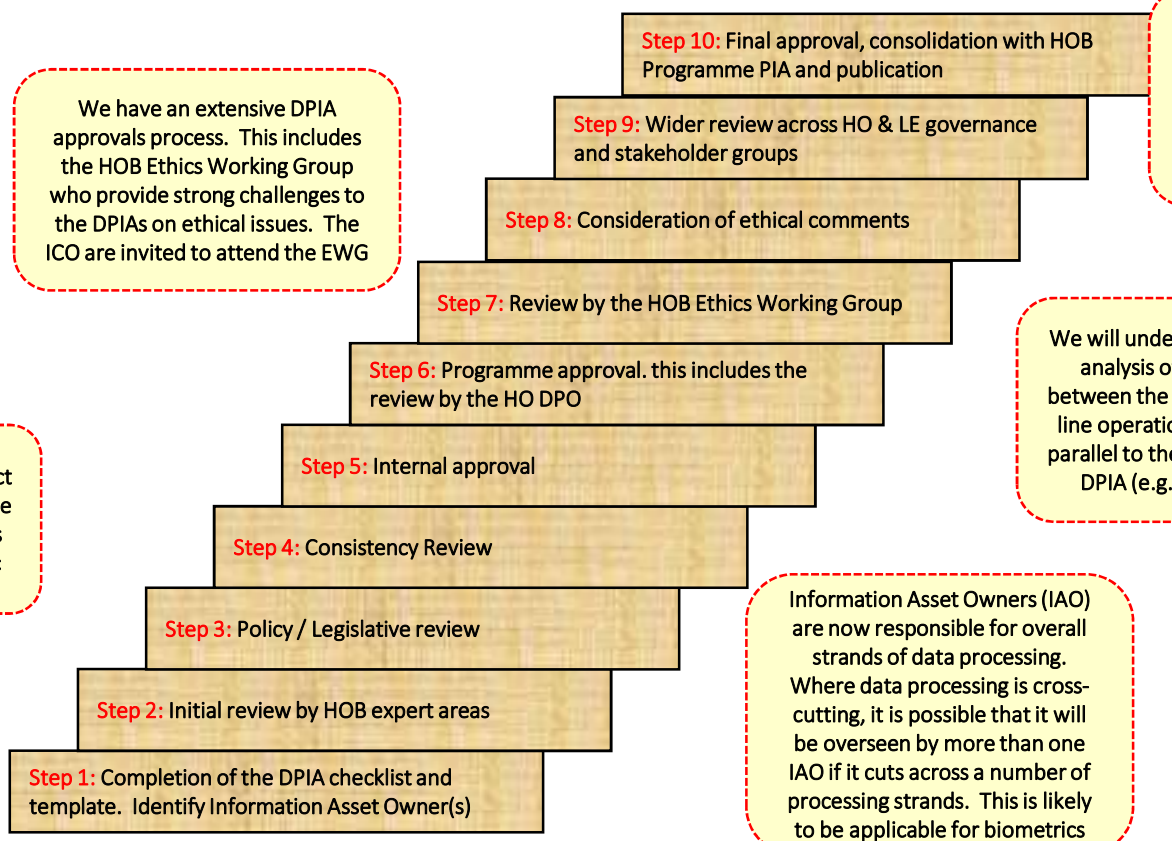
HOB privacy impact assessments

Home Office Biometrics
Privacy, data protection & ethical assessments

Open Space

Digital, Data
& Technology

HOB approach to assessing privacy & ethics



We have published our approved HOB Programme PIAs. However the document will continue to be reviewed and updated as the Programme develops

We have an extensive DPIA approvals process. This includes the HOB Ethics Working Group who provide strong challenges to the DPIAs on ethical issues. The ICO are invited to attend the EWG

We will undertake a due diligence analysis of the touch points between the technology and front line operations. This happens in parallel to the development of the DPIA (e.g. Strategic Mobile)

We work closely with our project teams in the development of the DPIA, including subject experts in security, technical, legal, etc

Information Asset Owners (IAO) are now responsible for overall strands of data processing. Where data processing is cross-cutting, it is possible that it will be overseen by more than one IAO if it cuts across a number of processing strands. This is likely to be applicable for biometrics

Reviewing privacy and ethics

HOB assessments are under review to:

- Update to reflect the progress being made in the programme and individual developments
- Consider any changes in scope, technology, etc
- Consider changes in legislation or other policy impacts
- Assess against the DPA18
- Monitor the risks to the programme

HOB PIAs

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Any questions or comments?

HOB granular detail key questions

- Are there any areas outlined below which are of particular priority for the Open Space to discuss?

- What are the key questions on which it should focus?

HOB PIAs key questions

- Does the approach taken by HOB provide Open Space with the assurance that privacy and ethics are being appropriately considered by the programme?

- Are there any privacy and ethical risks that Open Space feel should be included for further consideration by the HOB Programme?

- Do Open Space have any insights and/or feedback on privacy and ethics that they feel would be helpful for the HOB Programme to include in their approach?

Next steps

Photo credit: https://pixabay.com/en/stairs-wooden-ladders-emergence-838112/

ThaNK
YOU

Overall Open Space Process

- **4 workshops initially delivered:** July, October, November 2018 & February 2019
- **Ongoing workshops confirmed every 2 months:** May 2019 onwards
- **Outputs:** Write up of each workshop produced & shared with all participants
- **Content of future workshops:** Next workshop designed from the conclusions of the previous workshop
- **Interim Workshops:** Some interim workshops in between the 4 core workshops on specific topics
- **Participants:** Additional recommended organisations involved from September workshop onwards
- **Late 2019:** Next version of the DPIA publication deadline
- **2020:** National Register of Missing Persons
- **2021:** PNC data on LEDS
- **2022**: PND data on LEDS

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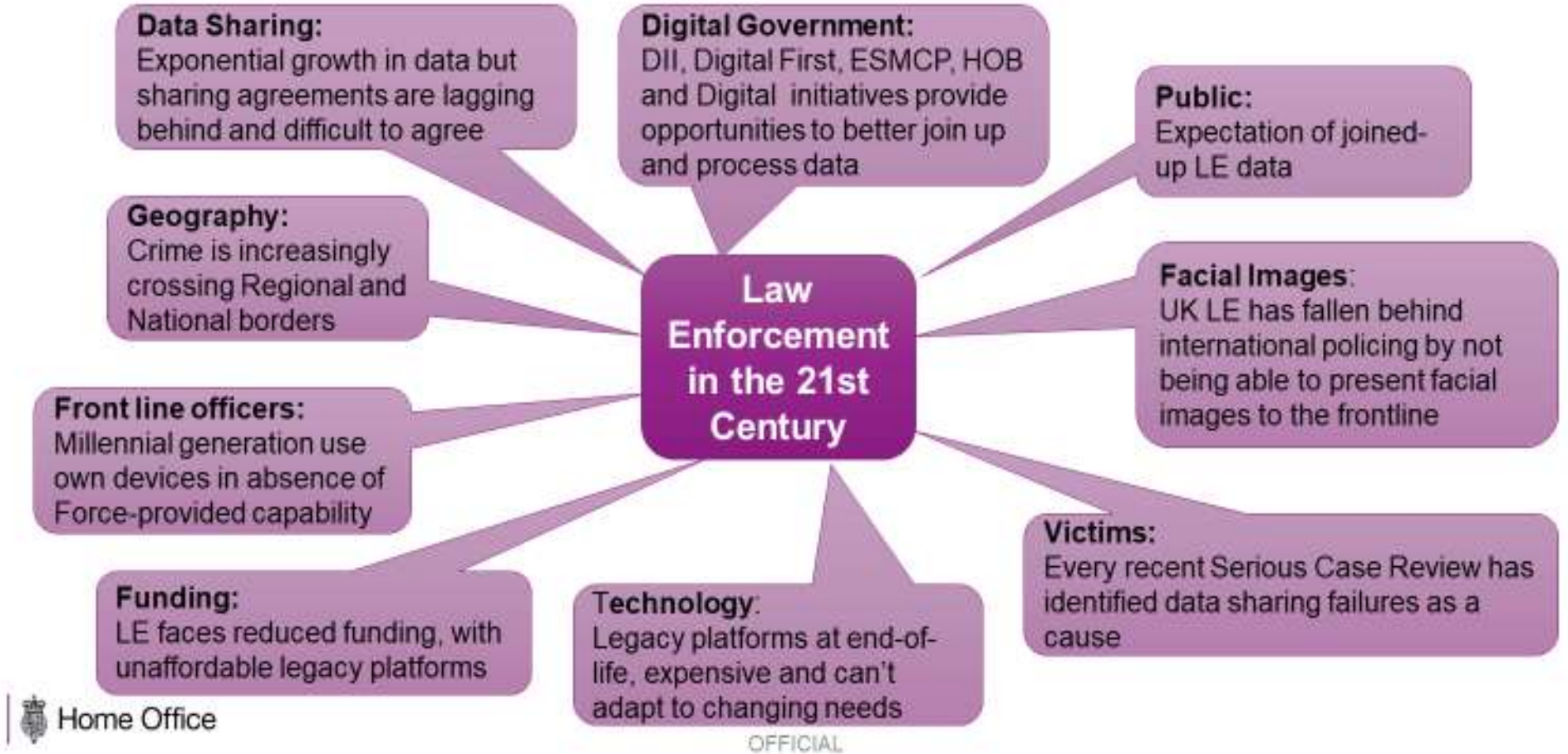
NLEDP Drivers



Home Office

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LEDS Delivery Route

Home Office