

Independent Digital Ethics Panel for Policing

Terms of Reference

Version 1.1, February 2018

1. Purpose

The Independent Digital Ethics Panel for Policing — the “Panel” — is a formal mechanism by which law enforcement agencies can test ethical boundaries for policing an increasingly complex and digitised Britain. Its formation was encouraged by the National Police Chiefs’ Council (NPCC) and is its point of reference on digital ethics, but it is an independent body that exists to provide insight and challenge to a range of areas associated with digital policing.

2. Specific objectives of the Panel

- To consider issues arising within the social, legal and operational contexts of policing, and to collaborate with others in the pursuance of digital ethics within policing
- To identify ethical implications in research programmes undertaken within the law enforcement community, and to respond to requests to advise on these
- To respond to specific ethical issues raised to the group by external bodies within the law enforcement community for discussion and guidance, within the limits of available resources
- To provide briefings on relevant matters to decision makers and interested parties, both on request and proactively, but with the power to decline any such request

3. Membership and Structure

3.1. Membership of the Panel

The Panel will at all times have sufficient diversity to allow it to meet the aims and objectives outlined previously. To achieve this it will draw upon government, industry, academic, civil society groups, the media, and notable experts and authorities as necessary.

The Panel will normally have two co-Chairs, elected by the Panel, at least one of whom will have appropriate law enforcement experience, as determined by the Panel. The Panel may also elect up to two Deputy Chairs. Co-Chairs and Deputy Chairs shall be appointed for a term of one year. Co-Chairs and Deputy Chairs may, if they wish, offer to be re-appointed for subsequent terms.

The Panel will consist of a number of standing members. This number will not be fixed and can be changed by agreement of the Panel. Panel members shall be appointed for a term of three years, and may, if they wish, offer to be re-appointed for subsequent terms. Subject-

matter experts may be brought in as invited guests to observe or advise the Panel as appropriate. The co-Chairs will have the responsibility to review membership and structures on a continuous basis and make recommendations to the Panel.

Membership of the Panel is personal. Members attend as individuals, and not as representatives of their institution(s) or employer(s). For this reason, members who are unable to attend a meeting should not send deputies from their institutions or organisations.

3.2. Member vacancies

Should member vacancies arise, the vacancy will be advertised on the Panel's website. In addition, any member may propose a candidate.

Confirmation of new members will be by a majority vote of existing members.

3.3. Voting

For a decision to be carried in any meeting there will need to be a quorum that will consist of at least eight members.

3.4. Non-Member guests' attendance

There will be occasions where non-members are invited to attend a meeting of the Panel. Members wishing to invite guests as observers should inform the other members of the Panel at the earliest opportunity and not later than two weeks before the meeting of the Panel for which an invitation is sought. The Member should give reasons for seeking the attendance of the proposed guest. The Panel shall decide by majority whether to make the invitation.

3.5. Deselection of members

Members may be subject to deselection if two-thirds of the Panel (other than the Member in question) vote in favour.

Members may be deselected in the following circumstances:

- Failure to attend three consecutive meetings without giving an acceptable apology or reason;
- Failure to engage in Panel workstreams and activities in a meaningful manner;
- Repeated failure to fulfil designated actions or prepare for meetings;
- Behaviour that either contravenes these Terms of Reference, including confidentiality and the need to declare potential conflicts of interest, or that is disrespectful, offensive or otherwise incompatible with continued membership of the Panel.

3.6. Right of appeal

Members have a right of appeal and should submit this in writing to the co-Chairs within two weeks of notification of deselection. The co-Chairs, deputy chairs, and at least two other members of the Panel will determine if the appeal is to be upheld. The co-Chairs will add a written report of the appeal to the deselection report and will communicate the final decision and the report to the appellant by email.

A Member whose appeal is upheld shall not be eligible for de-selection on the same basis for six months from communication of the decision to them.

4. Meetings

Meetings will be held quarterly unless otherwise agreed by the Panel. Exceptional meetings for specific topics can be called for by the members of the Panel. It is also expected that matters can and should be discussed on an ad hoc basis in-between meetings. However, minutes must be kept of ad hoc meetings and provided expeditiously to the Panel.

Agenda items and topic areas can be proposed by any member of the Panel to the Secretary. All items and papers must be with the Secretary no less than two weeks before the date of each meeting in order to be circulated in a timely manner.

Meetings will follow an agenda, to which members will be invited and expected to contribute. This should not however act to the detriment of debate and open discussion if strict adherence to the agenda would be inhibitory.

Meeting locations will be determined by the Panel. However, there will be an expectation that where facilities allow each member will host meetings on a rotating basis.

If an external request is made to the Panel to give advice rapidly and between meetings, the co-Chairs and Deputy Chairs shall notify the Panel expeditiously, and will seek their Panel's approval of the resultant advisory document.

5. Public engagement

Engagement with the public and other interested bodies will be an important role of the Panel, which may adopt a communications plan for this purpose. This will not prevent members of the Panel from publishing their own views and opinions at any time. Where members do so, they should make clear that such views are their own and not necessarily those of the Panel.

The Panel may determine whether and how to issue reports to other bodies, for example, inquiries, Parliamentary Committees etc.

The Panel members will maintain confidentiality of information and comply with Government disclosure rules. Where possible the Panel will operate in an appropriately transparency manner, but the Panel is not currently subject to Freedom of Information Act requirements for public access to documentation. As Panel members sit in their own right, and not as representatives of any organisation, they do not hold information relating to the Panel or its activities on behalf of any public authority or authorities to which they have links.

It is expected that minutes of Panel meetings will be produced and shared with the Panel within three working days of a meeting. Members of the Panel will have five working days to review the draft minutes and make any comments or representations. Subject to any material issues being rectified, and any necessary redactions made, the minutes shall be published on the IDEPP website promptly thereafter, without further approval.

Prior to engaging on a workstream, the workstream's leader shall notify the requesting body of the Panel's approach to transparency, including a preference for the ability to talk, at a high level, about the activities in which the Panel engages. When the Panel has concluded a workstream, the workstream leader shall agree a high level statement with the relevant person in the requesting body, which the Panel shall publish on its website. The statement will not contain the detail of guidance given, but may incorporate broad principles drawn from the guidance. Due respect shall be given to the nature and sensitivity of the workstream at issue.

6. Conduct of the Panel – General Principles

The overriding principle of inclusive engagement will be at the core of the working of the Panel.

The Panel will work on principles of trust and respect and Members will be expected to abide by the Chatham House rule during meetings. To support this, meeting notes will be non-attributable where necessary. Members will be aware that matters of a sensitive nature may be discussed and will not act in a way that may compromise the work of any other member, or their personal or professional integrity.

Members will indicate when a subject of discussion or information they provide during a meeting is to be treated as non-disclosable. The procedure for holding and onward transmission, if any, of such discussion will be outlined by the relevant Member before the discussion commences. For some discussion topics there may be a need for members to be security vetted to an appropriate level. If this is the case, then those members not appropriately vetted may be asked to leave the room whilst the topic is discussed. Alternatively, the Panel may appoint an ad hoc, temporary subgroup to carry on the discussion during the meeting, where appropriate.

Members are not to share documents created for the purposes of the Panel outside the Panel membership without the permission of the relevant workstream leader or, where there is no workstream or obvious leader, the permission of one of the co-Chairs.