

LEDS/HOB OPEN SPACE

TERMS OF REFERENCE

Version 0.01, 26 March 2019

The purpose of this document is to provide Terms of Reference for the Law Enforcement Data Service/Home Office Biometrics (LEDS/HOB) Open Space. It is a core document intended to support participants to hold each other to account for their actions relating to the discussions and decisions within the space. It will be reviewed annually by participants of the space.

The initial principles of working together and the scope of the process were agreed by participants on 3 July 2018.

This Terms of Reference document replaces those two documents and will be presented to participants of the Open Space for review and sign-off at their workshop on 14 May 2019.

SIGNIFICANT CHANGES TO DOCUMENT

26 March 2019

This document combines and significantly amends two papers presented to the Open Space workshop on 3 July 2018: *Purpose of Process*; and *Principles of Working Together*.

The following changes have been made:

- The purpose of the process has been expanded to capture the increased scope to include the Home Office Biometrics Programme;
- The purpose of the process has been adapted to allow for possible further expansion should participants agree;
- An addition to the purpose has been made to clarify that it is now an ongoing process (subject to the ongoing agreement of participants);
- A note of the core documents critical to the running of the Open Space has been added.

Key question posed by this paper:

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

Background

The Open Space was established by the Home Office, working with a small number of civil society organisations, at a workshop on 3rd July 2018. At this workshop, participants agreed the scope of the process and the principles for how they will work together. Since then, a series of decisions have been taken which require these documents to be significantly revised.

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.

The Open Space will focus on the following areas of the programmes:

- Governance, inspection and oversight;
- Code of Practice;
- Staff capacity, capability and training;
- Data retention
- Custody image policy;
- Data sharing;
- Data quality; and
- The Data Protection Impact Assessments.

It will have the power to bring in new areas of both programmes as agreed by participants in the space. Should participants agree, the scope of the programme beyond LEDS and HOB can be expanded.

If successful, the proposed process will contribute to the development of an ongoing process of collaboration between the Home Office, civil society organisations and organisations from other sectors.

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.

INVOLVE'S ROLE

Involve's role is to hold the space open to allow the Home Office and civil society participants to hold productive discussions. In order to do this, it will not take sides, but will aim to structure the workshops and discussions in such a way that everyone can participate fully, has a chance to agree or disagree with decisions made, and hold the Home Office accountable for acting on the discussions and decisions. In case of significant conflict or disagreement it will attempt to mediate provided both sides are acting in good faith.

Involve is mindful that civil society capacity to engage in the process is limited. It will attempt to design a flexible process that means that civil society organisations can engage in those areas of the two programmes where they have most interest and are able to contribute effectively.

Involve reserves the right to withdraw from this role if it judges that either side are not acting in good faith.

CORE DOCUMENTS TO THE PROCESS

Critical to the functioning of the space is that the Home Office is accountable to the civil society participants for acting in good faith on the discussions in the workshops and other elements of the process. Key to this are two documents:

- *Action log* – this document captures every action agreed to during the progress and tracks progress against the action. There are a significant number of actions and it is structured in a way to try to support civil society participants to identify the actions which are critical for them in order to support them to track progress. Involve's responsibility it to ensure that every action is captured, and progress updated. Civil society organisations are responsible for identifying those actions they wish to focus on during the workshops;
- *Open Space Outputs and Progress paper* – this brief document captures the core outputs from the process. It is through contributing to the structure and content of these outputs that civil society participants will shape both LEDS and HOB.
- This paper identifies the progress made in developing the output, the date for the next discussion, the key outstanding issues, the papers which have fed into its development so far, and the actions from the action log which relate to its development.

Both of these documents are updated by Involve and the Home Office after each workshop.