

HOME OFFICE OPEN SPACE WORKSHOP 3 WRITE UP – WEDNESDAY 5TH DECEMBER 2018

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SUMMARY OF ACTIONS

Please note, Involve has removed all minor procedural actions and captured these elsewhere to reduce the size of this list to support a focus on substantive actions.

1. Involve to take helicopter view of process to see how decision is made for new areas to be brought into scope of the Open Space.
2. Home Office (HO)/Involve to arrange further conversation with the Minister to discuss the more strategic element of this work and how this Open Space can be developed in future.
3. HO/Involve to table a future Open Space discussion on further areas of scope that have been parked previously. HO invited CSOs to share ideas/suggestions of areas they would like to see brought to the space.
4. Involve to create appendix of completed actions to be circulated with action log and bring completed actions to meetings so CSOs can sign them off as completed to their satisfaction – sharing the log at least a week in advance of each workshop for CSOs to review.
5. HO welcomed further comments and questions from CSOs after the workshop on the list of users with access to system circulated at the workshop.
6. HO to table a discussion at a future workshop on whether there should be a LEADS Info Access Panel.
7. HO welcomed further comments/feedback from CSOs on data dashboard area after the workshop too. HO explained they can travel to organisations to have these meetings.

8. HO/Involve to table specific session on transparency at future workshop. Suggested stages of conversation: 1) Accessibility 2) Consultation 3) Mass understanding.
9. Results of the metrics from the data dashboard measures of accuracy pilot to be brought back to space post-March 2019.
10. Summary of any follow up conversations/meetings between CSOs and HO around the data dashboard (or other Open Space topics) are to be shared with the space.
11. HO to clarify Goughran policy re. how convictions held and how deletion works & update the space.
12. HO to clarify & confirm if how convictions are deleted can be discussed at future workshops.
13. HO to check if can share with the space the quote for custody image deletion work from current systems.
14. HO to provide paper on policy implications and technological options for next discussion on custody images.
15. HO to bring road map/timeline to Workshop 4 in February to explain progress on custody image work.
16. HO/Involve to table a discussion on how the Open Space members can influence custody image discussion when they are only some of many stakeholders – next conversation on this needs other key stakeholders in the room.
17. HO/Involve to table a conversation on thresholds for deletion and Open Space members asked by HO to create statement informing HO what outcomes they want from HO custody image policy and HO to then see how can deliver this – this links to implications for wider records too.
18. HO/Involve to table discussion on business rules for system.
19. HO/Involve to take core areas raised as parameters to design governance discussion at a future workshop.
20. Home Office Biometrics (HOB) to confirm if auto-matching includes unidentified human remains – update: this specific action has been followed up directly with the space member. For any members who would like to see this answer, do let us know.
21. CSOs to share, as part of the future discussion, the outcomes of what they want to see from their work and HOB to focus on suppliers and technology – HOB confirmed they can share this information if needed though.
22. HOB to confirm with space members in what situations biometrics data is recorded.
23. Involve to map stakeholders needed for an extended space incorporating biometrics work.
 - a. Biometrics Commissioner might be interested in being part of Open Space – Involve/HO to follow up.
24. HO to clarify if audit is done on data coming in from other systems and update the members of the space.
25. HO/Involve to table a discussion on what audit transparency would look like in the transparency discussion at a future workshop.
26. HO to share design principles for protected views with Open Space members.
27. HO to arrange access controls demonstration when ready.
28. HO to table two system integration demonstrations for internal and user interface processes. HO to confirm when these will be ready.
29. Involve to send out a matrix with organisations and issue areas so space members can identify the issue areas they want to engage on.

INTRODUCTION

This paper is the write up from the third workshop in the Home Office Open Space process for the National Law Enforcement Data Programme. It contains the discussions and actions from the workshop and outlines the next steps for the process. The workshop included a presentation from Countering Extremism Minister Baroness Williams and a Programme Update and review of previous actions including the circulation of a list of users with access to the system and a data dashboard template for the system.

The core discussions at the workshop were:

- Custody Images
- Governance (substantive discussion held over until next meeting)
- Integrating the work of the Home Office Biometrics programme into the scope of the Open Space
- Audit Functionality Demonstration
- Requests for Further Functionality Demonstrations

This write up will be circulated to all those present at the workshop and future Open Space members.

PRESENTATION FROM COUNTERING EXTREMISM MINISTER BARONESS WILLIAMS, IN HER CAPACITY AS MINISTER OF STATE FOR DATA STRATEGY & IDENTITY AND BIOMETRICS

Questions & Discussion

Below is an outline of the questions and answers to the Minister following the Minister's presentation on the importance of the programme and the Open Space process.

- How close is the Home Office to making a firm policy commitment on automatic deletion of custody images?
 - Minister agreed that she supports this position and looking to use new technology to make it an automated process.
 - Minister has previously provided firm commitment that this can happen and reiterated this commitment.
- What else can be brought into the Open Space scope?
 - HO explained that it's open to discussion to what can be brought into the scope – keen to discuss this with the Open Space members. Minister said this was open to the membership to suggest, but cautioned against losing focus.
- An Open Space member raised the area of crossover between uploading of information between missing persons data and law enforcement purposes e.g. immigration, especially relating to children placed in care going missing and taken into trafficking. The member explained they have concerns around disclosing safeguarding information for law enforcement purposes.
 - Two entirely different processes for why the data is held with missing persons' data and immigration data.
 - HO clarified further that the focus here is on access controls to limited data provided for one purpose being used for a second. HO understood the concerns in relation to purposes.
- How does the Minister see where the Home Office is going with policy on criminal records retention? How can CSOs best engage with this? Is it an Open Space topic? Are there other ways to engage on this to ensure policy making not being done in a vacuum?
 - Be focused with the scope and work being done here.

- Government shouldn't have to react, government should be proactive about acting on areas of work that are important.
- What are expectations of inspection regime for LEDS with HMIFRCS etc?
 - Minister encouraging space to look at these different topic areas.
 - HO clarified further that they are looking at this at official level and discussing this area further.

Actions

- Involve to take helicopter view of process to see how decision is made for new areas to be brought into scope of the Open Space.
- HO/Involve to arrange further conversation with the Minister to discuss the more strategic element of this work and how this Open Space can be developed in future.
- HO/Involve to table a future Open Space discussion on further areas of scope that have been parked previously. HO invited CSOs to share ideas/suggestions of areas they would like to see brought to the space.

PROGRAMME UPDATE

A brief update on the progress of the programme was provided to the Open Space (based upon the written update provided) and a very short discussion followed. Open Space members' questions and answers from the Home Office are below.

Discussion & Questions

- Has there been slippage in the programme?
 - Yes, decision made to extend PND and simplify build and design of LEDS.
- Is this because of technical change? Due to data issues?
 - It is a complex programme and integration, design and delivery challenges are greater than first envisaged.
- Have the HO identified risk of further slippage? What mitigations are in place?
 - Yes, identified these and looking at opportunities for bringing forward the delivery of certain aspects of the programme to mitigate. Also investigating what the Minimum Viable Product is so that they can launch as early as feasible.

ACTION LOG

The HO and Involve emphasised they have recognised how important the tracking and completion of agreed actions from workshops is for the process. A suggested method of doing this was circulated to the group for feedback which was provided and further actions captured.

Discussion & Questions

- Is DPIA being done for the programme?
 - Yes, intention to start development of the DPIA in the New Year and bring draft to the Open Space.
- How will action notes be used?
 - Captured under "what has changed in this paper" section on each re-work of the papers. Notes need to be connected to the core issues being discussed.

Actions

- Involve to colour code action log based on a set criteria to make it easier to digest.
- Involve to create appendix of completed actions to be circulated with action log.

- HO to bring completed actions to meetings so CSOs can sign them off as completed to their satisfaction.
- HO/Involve to share action log at least a week in advance of each workshop for CSOs to review.
- Involve to change “WS2” column to date of the workshop instead.
- Involve/HO to add section on access requirements and when topics will come back to the space.
- Status of Action 35 to be corrected as not “complete” yet – needs to be brought back to the space first.

LIST OF USERS WITH ACCESS TO SYSTEM

The HO circulated a list of users with access to the Police National Database (PND) and the Police National Computer (PNC) (Action #1). This was circulated and reviewed at the workshop by Open Space members briefly and the following captures the feedback at the time.

Discussion & Questions

- Will users with push access on PNC/PND have the same on LEDS?
 - This will be reflected in data sharing agreements with those users and will be determined by access controls.
- Could the list of users be in the public domain in a more accessible version and not hidden?
 - Yes, in interest of transparency this should be done through data sharing agreement and annual report.
- Who decides which users have this access?
 - HO explained it’s a formal process through a police body. Organisations have to make the legal and business case for access – option to appeal as well.
- How often is this license for access renewed?
 - Reviewed in line with HMICFRS inspection of organisation periodically by the PNC Information Access Panel. NPCC committee responsible for dealing with applications for non-police agency access to PNC.

Actions

- HO/Involve to pull notes from discussion on list of users with access to system and add them to Access paper from previous workshop as documented changes.
- HO welcomed further comments and questions on from CSOs after the workshop the list of users with access to system circulated at the workshop.
- HO to table a discussion at future workshop on whether there should be a LEDS Info Access Panel.

DATA DASHBOARD TEMPLATE

An example data dashboard was also circulated at the workshop in answer to an outstanding action too and this template was reviewed and discussed by Open Space members.

Discussion & Questions

- Can there be a dashboard showing a deeper dive? E.g. who puts data on etc?
 - HO clarified there’s a separate piece of work happening on this within the police – this will be brought to LEDS.

- Transparency raised as a clear theme in this discussion including questions such as how can info about this programme be presented in a way that gives the public confidence?
- ICO shared that there is an obligation for the programme under GDPR/DPA to meet these transparency requirements.
- Is the document shared a mock up?
 - HO confirmed it was.
- What are the measures of accuracy?
 - HO has circulated metrics used to populate dashboard and working with five organisations to pilot how this works.
 - HO recognised need to publish outcomes of these measurements and the pilot.

Actions

- HO welcomed further comments/feedback from CSOs on data dashboard area after the workshop too. HO explained they can travel to organisations to have these meetings.
- HO/Involve to table specific session on transparency at future workshop. Suggested stages of conversation: 1) Accessibility 2) Consultation 3) Mass understanding.
- Results of the metrics from the data dashboard measures of accuracy pilot to be brought back to space post-March 2019.
- Summary of any follow up conversations/meetings between CSOs and HO around data dashboard (or other Open Space topics) to be shared with the space.

CUSTODY IMAGES

The area of custody images has been raised at all of the workshops to date and there has been a consistent call for a substantive discussion on this topic from the Open Space members. At this workshop, a paper on custody images was circulated beforehand and then table discussions around the key questions posed in the paper were held. See appendix A for notes from table discussions on this topic. The notes below are captured from the plenary discussion that followed the table conversations.

Discussion & Questions

Plenary Technical Questions

- Will local systems be able to fix the problem of deletion?
 - HO explained that LEDS won't replace local systems but HO are working with local systems to fix problem of deletion with them.
- Can HO send a list back to local forces detailing images that need to be deleted?
 - Yes, HO confirmed that is one option.
- Does application for deletion exist now?
 - Yes, individuals can apply at local level for this.
- Is conviction outcome data collected?
 - Yes, this will be clearly associated with image within LEDS.
 - There is a suitable solution in LEDS architecture for future changes in requirements.
 - Biometrics Commissioner oversees all of this & DNA/fingerprint system gives e.g. of how national system can work.
- Is how convictions are deleted on the table for discussion in the development of policy?
 - HO update post-workshop: There is a separate retention workstream but it is open for civil society input.

- Is deletion a policy or technical issue? If it's made a policy decision to delete images automatically then it becomes a technical issue of how to delete.
 - HO explained that the policy has to reflect what is feasible and feasible relatively easily. HOB stated the policy should be the policy and that they will worry about making the technology fit the policy
- Will the HO blame technology to avoid committing to deleting images?
 - HO explained again that it is a policy driven question and they can't develop policy that's impossible to deliver.
- Can fingerprint/DNA policy be used to deal with custody images?
 - HO declared a desire to align all biometric policies where they were compatible. However, it was also noted that custody images unlike fingerprints or DNA had an operational benefit that could be used by an untrained person. This might make a policy justification for a different retention length.
- Who's looked at issue and decided would be too difficult to delete images?
 - HO informed the space two different suppliers and external Police Councils plus HO internal resource have reviewed the issue.
- Did suppliers come up with a fee for how much deletion would cost?
 - HO confirmed they did and will check if they can share this figure.
- Do Ministers/Law Enforcement Officials want to carry out deletion?
 - HO confirmed they do as the less data the better to make system more focused and efficient.
- Question raised as to whether the HO are seeking to create singular policy across all biometrics? Is there scope to include new biometrics? How does LEDS implement this? What's implication of different biometrics?
- HO declared a desire to align all biometric policies where they were compatible. However, it was also noted that custody images unlike fingerprints or DNA had an operational benefit that could be used by an untrained person. This might make a policy justification for a different retention length.

Actions

- HO to clarify Goughran policy re. how convictions held and how deletion works & update space.
- HO to confirm if how convictions are deleted can be discussed at future workshops.
- HO to check if can share with the space the quote for custody image deletion work from current systems.

Plenary Summary of Next Steps on Custody Images

- Paper from the HO on policy implications and technological options to be provided for next discussion on custody images.
- HO to bring road map/timeline to Workshop 4 in February to explain progress on custody image work.
- HO/Involve to table a discussion on how the Open Space members can influence custody image discussion when they are only some of many stakeholders – next conversation on this needs other key stakeholders in the room.
- HO/Involve to table a conversation on thresholds for deletion and Open Space members asked by HO to create statement informing HO what outcomes they want from HO custody image policy and HO to then see how can deliver this – this links to implications for wider records too.
- HO/Involve to table discussion on business rules for system.

GOVERNANCE – PARAMETERS FOR FUTURE DISCUSSION

The space agreed that there was not sufficient time to explore this topic in detail at this workshop. Instead a discussion was held to identify the parameters for a full future discussion on governance. The following notes capture that discussion.

Discussion & Questions

- CSOs explained it would be useful to see potential governance models that the HO are exploring.
- What are outcomes of the governance we want to see?
- Making sure system is being used in most efficient/effective way. CSOs explained they want to explore what the outcome is of what the system should look like.
 - HO agreed this is needed.
- HO clarified a lot of their focus will be on Inspection in governance.
- HO asked CSOs: Do they have as much interest in internal governance of the system as external governance of the system?
 - Consensus in the room that both of equal interest.
- If the HO agrees access decisions now, what protects them from future policy changes?
 - HO explained they're establishing red lines (illegal lines) to mitigate against this.
 - HO asked if CSOs would be happy to collectively discuss principles/criteria needed for deciding future potential access requests.
- Summary of what should be discussed:
 - 1) Outcomes and how good governance should look
 - 2) What principles are needed for deciding on future changes/developments for adding new data/new access requests.

Actions

- HO/Involve to take core areas raised as parameters to design governance discussion at a future workshop.

HOME OFFICE BIOMETRICS DISCUSSION

This workshop also introduced the idea of integrating the work of the Home Office Biometrics (HOB) programme into the scope of this process. HOB delivered an overview of their current programme of work and how this could feed into the Open Space process. A plenary discussion was held to review this suggestion.

Discussion & Questions

- What's the relationship between HOB & LEDS? Do they provide advice to the LEDS?
 - HOB to provide new algorithm for facial matching – providing the new technology to do this.
- Why are prisons and probation involved in biometrics work?
 - Biometrics information is collected when an individual is arrested and then used to identify that the person who is convicted is the same individual who was in custody.
 - Could help identify someone on probation – this isn't happening yet but an example where HOB could be asked to broaden access to biometric information.
- What's HOB role in algorithm design & testing? How could the Open Space help with this?
 - HOB explained their role is to ensure the best results are provided to organisations needing the algorithms.

- HOB requested Open Space feedback on deciding who should have access in what context etc, how should data be managed, what's the right thing to do, principles of access etc.
- HO representatives fed back that the Open Space has been particularly helpful linking HO with academics around this area especially around security. This is another example of how the Open Space could feed in.
- Do records of unidentified human remains/missing people sit within HOB work?
 - Yes, logical separation of data for various areas like this.
 - A follow up question was asked as to whether there was auto-matching on this.
 - HOB will clarify this and report back to the space. (Updated in actions below post-workshop).
- HOB gave the example that DNA could be a topic that could be discussed in the Open Space.
- What is the new system supported by new commercial structure that is explained in the HOB documentation that was circulated before the workshop?
 - HOB clarified that they are in the procurement process for new suppliers currently.
- Who makes the business case for these programmes?
 - HO confirmed they are cross-government decisions including the HO Director Generals and Home Secretary; Cabinet Office & Treasury.
 - A fresh business case is needed each year to justify the spend.
 - Major Projects Authority produces reports reviewing the business cases.
 - Gateway Review Process in place to review them as well.
- Are the business cases for new work something that can be brought into scope?
 - HO confirmed, yes in terms of wider data use.
 - HOB confirmed they can share their business case process with Open Space but are in delivery phase currently.
 - Better for the Open Space to focus on how to shape delivery at the moment focussing on outcomes rather than the technology.
- What situations is biometrics data recorded? From vulnerable people?
 - DBS Checks
 - HOB can provide this info before the next workshop.
- Support confirmed to bring HOB work into the scope of the process but mapping of stakeholders in the space needs doing to bring in further relevant organisations/government users.
- Agreement that there is still a need to keep the clear focus of the space though to ensure progress is made.

Actions

- Home Office Biometrics (HOB) to confirm if auto-matching includes unidentified human remains - update: this specific action has been followed up directly with the space member. For any members who would like to see this answer, do let us know.
- CSOs to share, as part of the future discussions, the outcomes of what they want to see from their work and HOB to focus on suppliers and technology – HOB confirmed they can share this information if needed though.
- HOB to confirm with space members in what situations biometrics data is recorded.
- Involve to map stakeholders needed for an extended space incorporating biometrics work.
 - Biometrics Commissioner might be interested in being part of Open Space – Involve/HO to follow up.

AUDIT FUNCTIONALITY DEMONSTRATION

The final section of the workshop involved a demonstration from the HO on the audit functionality process of the new system. A brief discussion followed the demonstration exploring aspects further and covering questions from the CSOs in the room. This is captured below along with agreed actions.

Discussion & Questions

- How many auditors are there for PNC/PND at the moment?
 - 2 or 3 auditors in each force full time on PNC.
 - 1 or 2 auditors overall for PND.
- Do they audit when data comes in from other systems?
 - Yes but will clarify further.
- Where do auditors report into?
 - National Auditors Report into the Chief Constable & Chief Superintendent responsible for Counter Corruption at a national level.
- Audit retention period is being reviewed now.
- Auditors must have an audit purpose in order to see a record.
- If an officer wanted to delete a record, auditor can still see the record that was deleted.
 - HO updated the space that this is still all under discussion too.
- ICO: recommended that the HO need to drill into the detail of retention for audit purposes but feel it's likely that it can be justified under data protection rules.
- Is three years the right retention period?
 - HO clarified that auditors request this period of retention.
- Would audit process be compromised if the screenshot captured for audit purposes of a users' screen didn't present the actual data on the screen but composition of what information was there e.g. blurring out a custody image.
 - HO and other space members explained this wouldn't be sufficient.
- What would LEDS API show you?
 - All audited transfer of data between APIs.
- Can HO make auditing information public?
 - HO didn't see why this should be a problem.

Actions

- HO to clarify if audit is done on data coming in from other systems and update the members of the space.
- HO/Involve to table a discussion on what audit transparency would look like in the transparency discussion at a future workshop.

FURTHER FUNCTIONALITY DEMONSTRATIONS

The Audit Functionality discussion prompted a follow on conversation to discuss whether Open Space members require further demonstrations on different aspects of the new system. Below are the requests and suggestions that were made.

Discussion & Questions

- Are there protected views?
 - HO clarified that this is access based and they are still articulating the designs but they could share design principles on this.
- Can a demonstration on access controls be provided so that space members can see how these work in practice?

- HO confirmed that yes this is possible, but these are still being finalised at the moment. The HO need to surface the data model first.
- How does the system integrate with external systems? E.g. Shengen & alerts etc?
 - HO explained they could do two separate presentations on the internal process and user interface around this.

Actions

- HO to share design principles for protected views with Open Space members.
- HO to arrange access controls demonstration when ready.
- HO to table two system integration demonstrations for internal and user interface processes. HO to confirm when these will be ready.

NEXT STEPS & STRUCTURE OF FUTURE WORKSHOPS

Topics to discuss

(* topics agreed as areas for discussion at February workshop)

- Governance & Inspection *
- Transparency Piece
- HOB – how can we build this in sensibly to the process? *
- 4/5 Updates to be brought back to the group:
 - Code of Practice
 - Data Quality
 - Business Services
 - Answer to the question of how many PND records there are
 - Custody Images – provide number of images held *
 - DPIA

Structure of workshops

- The space agreed that biometrics work can feed into governance and custody image discussions.
- The group discussed the need to consider what workshop structure would be useful for new stakeholders too.
- The space agreed to try to keep workshops to half a day if possible.

Actions

- Involve to send out a matrix with organisations and issue areas so space members can identify the issue areas they want to engage on.

APPENDIX

Appendix A – Table Discussion Notes on Custody Images

- HO emphasised the complexities of this system and want people to come away from the discussion with this understanding.
- HO emphasised that they are aware the current policy isn't perfect.
- HO would like to know where are the red lines for each organisation on this?
- CSO asked HO to make sure LEDS is focused on building a system that can move with new requirements and avoid issues like this in future.
- CSO raised that the ability to apply for an image to be deleted isn't well advertised.
 - HO explained one of the first conversations needed is around applications for deletion.
 - In answer to a question on this, HO stated they don't know how many images could be deleted if an application was made to delete.
 - CSO shared that when Scotland did a dip test in this, tens of thousands of images were needed to be deleted.
- CSO flagged that decision is clear that can't hold image if don't have a conviction.
- CSO asked if there could be sub-categories here for types of convictions?
- HO asked, if we ignore the technology, what should the policy be? Should Custody Image Retention (CIR) be treated the same as fingerprints/DNA?
 - In data protection terms they should be treated the same.
 - It aligns with GDPR – if any policy runs across one bit of biometric data then it should apply to images as well.
 - Previous failures in past to treat biometric data differently were raised too.
- HO explained they draw a distinction between CIR and DNA due to fact face is more openly shared than DNA.
- HO raised the question - is there a conceptual difference between facial matching and custody image store and use of its image?