



Independent review of the governance of biometric data

Terms of Reference for the Review

The Independent Review on the governance of biometric data will consider the following questions:

- a. *What is the current regulatory framework for the governance of the use and retention of biometric data by public and private sector actors?*
- b. *Is the current regulatory framework adequate to protect human rights in the light of ongoing technological advancements in biometrics technologies?*
- c. *Is the current regulatory framework adequate to enable the effective use of biometrics technologies by police and public authorities in the public interest and with the public's trust?*
- d. *What areas of regulatory reform should parliament consider to ensure that biometric data is governed consistently with human rights, the public interest and public trust?*

In answering these questions, the Independent Review is requested to consider the following considerations:

- *What is the current state of use of biometric data by police, public authorities and the private sector?*
- *Are existing definitions of biometric data (in the Data Protection Act, for example) sufficient? Currently biometric data are only considered 'sensitive' if they are used for identification purposes. Does this appropriately capture the manner in which biometric data may be used in light of technological advancements?*
- *What lessons can be learnt from Scotland's Consultation on enhanced oversight of biometric data?*
- *What additional protections need to be put in place to ensure persons of black, Asian or ethnic minority background are not disproportionately disadvantaged by regulation of biometric data?*

The Independent Review will be led by the Independent Reviewer, who will draw on the guidance and advice of the Independent Review Advisory Group to inform the scope of evidence taken, advise on technical and legal issues, and for feedback on the Independent Review's final report and recommendations.

The Independent Review will make a call for evidence and receive submissions in writing and in two public evidence sessions convened in April 2020. It will also receive oral evidence from the Citizens' Biometrics Council, a public deliberative initiative convened by the Ada Lovelace Institute in early 2020 to deliberate on the ethical and social issues connected to the use of biometrics technologies.

The Independent Review will publish its final report and recommendations in October 2020.

The Independent Reviewer and the Advisory Group

The Ada Lovelace Institute has appointed Matthew Ryder QC as the Independent Reviewer. Matthew is a recognised legal expert in the fields of human rights, quality and diversity, crime, policing and surveillance, and data, technology and information. Between 2016 and 2019 he was Deputy Mayor for London on social integration, social mobility and community engagement, and was also a member of the Lammy Review of racial bias and BAME representation in the criminal justice system.

Matthew will assume the role of the face of the Independent Review, with his remit including increasing the credibility and public visibility of the Review. He will recruit and manage a team of two researchers or junior barristers to assist in legal research, review of evidence submissions, and drafting of the Review Report.

The role of the Advisory Group will be to provide expertise, guidance and recommendations to Matthew and his team. The Advisory Group will meet three times during the review and should be available to provide ad hoc advice to Matthew throughout the process, including where possible (and when available) attending evidence-gathering sessions with him.

Matthew and his team will draft the Review Report. The recommendations contained in the Report will at the sole discretion of Matthew as the Independent Reviewer, in consultation with (but not at the approval of) the Advisory Group and the Ada Lovelace Institute. Although the Advisory Group will not have 'sign off' on the Review Report, as experts and important stakeholders their contributions will be critical to guiding the outcome of the Review.

The members of the Advisory Group members are below:

- Anneke Lucassen - Professor of Clinical Genetics, Faculty of Medicine, University of Southampton
- Lillian Edwards - Chair of Law, Innovation and Society, Newcastle Law School
- Marion Oswald - School of Law, Northumbria University
- Edgar Whitley - Associate Professor of Information Management, LSE
- Pamela Ugwudike - Associate Professor of Criminology, University of Southampton
- Renate Samson - Open Data Institute
- Matthew Rice - Open Rights Group Scotland Director