



Data Ethics Committee Terms of Reference

Version	Change	Person	Date
0.1	Initial draft from the Data Ethics	L Prescott-Mayling	1 st July 2021
0.2	Editing and adding clarification of when voting is needed	L Prescott-Mayling	15 th July 2021
0.3	Adding names to potential core members	L Prescott-Mayling	21 st July 2021
0.4	Change to the "risk" wording	L Prescott-Mayling	23 rd July 2021
0.5	Change to JIMU representative	L Prescott-Mayling	29 th July 2021
0.6	Some changes to phrasing throughout	T Lowe	7 th Oct 2021
0.7	Multiple changes throughout based on feedback	T Lowe	27 th Oct 2021
0.8	Changes made based on Committee feedback 01/12/2021	T Lowe	6 th Dec 2021
1.0	Final Document	T Lowe	14 th Dec 2021
1.1	Paragraph added in Overarching Principles and Orientations	T Lowe	14 th Apr 2022
1.2	Changes to Membership	T Lowe	18 th May 2022
1.3	Changes to Membership	T Lowe	22 nd Sept 2022

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Purpose

The Data Ethics Committee of the Thames Valley Violence Reduction Unit (TV VRU) has been established to oversee activities that utilise data within the unit, paying particularly close attention to a number of ethical considerations that feature across such data use. The Committee will publish a recommendation on any use case.

Overarching principles and orientations

We recognise that the aims, methods, and activities of the TV VRU are sensitive and contestable. Therefore, transparency, appropriate openness and decentralised recommendations are crucial. The core value of the TV VRU is that its activities are driven by a concern with both the welfare of the community as a whole and with the welfare of individual members of that community. In order to achieve this overarching objective, the TV VRU recognises that the specific aims, methods and activities of its data projects must be legitimately explained by those undertaking them and viewed by those for whom they are undertaken.

Legitimate co-ownership has two aspects:

- (i) involving those with relevant expertise, independence, and experience in structured processes of decision-making and
- (ii) involving a broad range of stakeholders and communities in a way that activities are developed cooperatively (and so co-owned).

What counts as ethically right or appropriate can be ambiguous and open to debate. The TV VRU has a duty to act in the public interest and, as such, they require support in making decisions that are ethically and practically complex and challenging.

For this reason, it is important to have processes in place that can provide assurances to stakeholders and the public in general. These processes are designed to bring different people together who represent different stakeholders and with different experience and expertise, to conduct a thorough ethical analysis and to provide practical and independent advice. This will be the role of the Data Ethics Committee of TV VRU. It is recognised that this process needs to be as flexible as possible bearing in mind the intractable difficulties associated with reasonable disagreement.

Minutes from the Data Ethics Committee will be publicly available via TV VRU's website. The Committee reserves the right to remove attributions in the minutes if it feels it is necessary in the interests of the membership and the effective discussion of the use-case at hand. It is also important to note that some information may be confidential and, in such instances, the information will be redacted from the minutes. Should this be the case the Committee will also be made aware of their responsibilities in relation to the handling of such information by the relevant individual, whether that is the lead researcher or the project lead.

Please note: information derived from the Committee is privileged and should not be used outside of this context. Inappropriate use is grounds for removal from the Committee. In any doubt of a conflict of interest, this should be raised to the Committee. Documentation circulated to the Committee is only intended for those to whom they are sent and should not be shared outside of this.

Core ethical principles

In reviewing proposed activities, the following ethical considerations will be taken into account:

1. **Benefits:** The use of data and the related activities have clear benefits for users and serves the public good.
2. **Risks:** The use of data and the related activities have minimal (low or no) risk of harm (emotional, physical, stigmatisation, or victimisation) for any individual or group of individuals. Risk of harm should be eliminated or minimised and outweighed by the benefits from action.
3. **Health inequalities:** A placed-based approach to addressing health inequalities will be considered in best using the data for action.
4. **Equality and Discrimination:** The proposed use of data should not discriminate against any individuals or groups of people (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation).
5. **Confidentiality:** The data subject's identity (whether person or organisation) is protected. Information is kept confidential and secure, and the issue of consent is considered appropriately.
6. **Technology Oversight:** The risks and limits of new technologies are considered and there is sufficient human oversight so that methods employed are consistent with recognised standards of integrity, quality and human rights.
7. **Legal Uses:** Data used, and methods employed, are consistent with legal and evidential requirements such as data protection laws, anti-discrimination law, the Human Rights Act (and other internationally recognised human rights instruments), public law (especially the common law duty of confidence), and rights of judicial review.
8. **Scientific Validity:** The data used, and research and analysis of the methods employed, have a sufficiently reliable scientific basis in order to draw valid conclusions.
9. **Multi-agency:** There is multi-agency, system wide collaboration to identify the best use of data to meet the needs of the population for joined-up action.
10. **Public voice:** The views of the public are considered in how best to use the data for action.
11. **Transparency:** The generation process, access, use, and sharing of data is transparent, and is communicated clearly and accessibly to the public.

Core Committee Members

Core Committee members will be standing members. Their role will be to advise on the ethical and societal issues of the use case, considering the core ethical principles outlined above. They can make recommendations on future actions regarding a use case or actions by TV VRU. The members make the final recommendation on behalf of the Committee. The core members are split between voting and non-voting members. Non-voting members represent core members of the TV VRU; they advise the Committee but cannot vote in its final recommendation.

The Chair of the Committee will be decided upon by the Committee for each meeting but will come from the core members.

Core voting members

Role	Person
Community Representative	Sylvia Simmonds
Community Representative	Chris Lloyd
Community Representative	<i>Vacant</i>
Community Representative	Alice Kunjappy-Clifton
Independent law and technology	Dr Kyriakos Kotsoglou

Independent legal/policy	<i>Vacant</i>
Independent Computer and Info Science	Dr Mark Warner
Independent subject matter expert psychiatrist and clinical researcher in the Department of Psychiatry	Dr Daniel Whiting
Ethicist	Prof Mark Sheehan
Representative of partner agencies whose data may be used – this role may be co-opted but will retain a vote in recommendation if partnership data is involved in that particular use case	<i>Vacant</i>
Crest Advisory – advocates for young people representing Crest	Joe Caluori

Core non-voting members

Role	Person
TV VRU Director	Supt Stan Gilmour
Thames Valley Together / Police Data Ops Lead – Programme lead	DCI Lewis Prescott-Mayling
TV VRU Researcher	Dr Tim Lowe
Info Governance Lead for Thames Valley Police	Marion Peuleve
ICT	Kevin Garrett
Administration	Pauline McCreadie
TV VRU Data Scientist	Tori Olphin
TV VRU Communications Lead	Tim Wiseman
Hampshire Police	<i>Vacant</i>

Co-opted Committee Members

It may be appropriate to co-opt other Committee members depending on the use case. These members may be subject matter experts who can advise the Committee or represent a specific group the use case may affect, for example:

- Communities within the Thames Valley,
- Data Scientists or statisticians with specific subject knowledge, e.g. Machine Learning,
- Legal experts (for example regarding data privacy),
- Victim’s advocacy groups,
- Representation of protected characteristics or underrepresented groups,
- Topic specific groups for the use case,
- Alcohol or drugs services,
- Offender representatives,
- Specific representatives of the data in use i.e. housing,
- Specific data ethicist.

Process

Any proposed data use cases will be presented to the Committee in the following way (Note: all documentation to be presented regarding a use case will be provided 7 days before the meeting of the Committee):

Step 1 – Early-stage consideration and process scoping prior to Committee discussion

- a. Advanced notice of the respective use case will be provided to the core Committee members via the completion of the *Ethical Principles and Framework* document (submitted by the use case project lead). This document will be published online on the TV VRU website. Use cases will be presented to the Committee before they are to go live (in operational use). Whilst it is understood that development and testing may take place to ensure a use case is even viable, it is recommended that the Data Ethics Committee reviews such development.

Step 2 – Considerations

- b. The Committee will focus on the broad ethical issues in this particular case, how these can be mitigated and what else is needed to be able to make an informed recommendation about the use case.
- c. Consultation and outreach - the Committee may request further information to be returned for consideration prior to a recommendation being made and/or request specific members as co-opted to the Committee to aid the recommendation (see co-opted Committee members above).
- d. The views of co-opted members may be presented by written report, verbal presentation or testimony or via discussion at the Committee.

Step 3 – Recommendations

- e. Once the necessary evidence has been received the Committee will discuss the use case further. The Chair will facilitate this discussion.
- f. *Recommendations* will aim to be consensus-based, however, it is recognised that there will be a range of views on these subjects within the Committee. Such a range of views will enhance discussions, where disagreement may even be encouraged. In appropriate circumstances, the Chair may call for a vote to determine the Committee's overall view of a use case. *Core Committee members will have one vote each* with the majority vote class being considered the overall view of the Committee on the use case. A written recommendation will be captured in the minutes. Members may abstain from voting. The way in which each member voted will not be captured in minutes of the meeting unless this is specifically requested. There will not be a deciding vote in the event of a tie, but rather the Committee will be split.
- g. The recommendation will cover the following points:
 - Overall views on the use case – if the Committee thinks the use case should proceed and if so with what further considerations (the Chair will direct the voting process if necessary on this matter to understand the overall view of the Committee)
 - Views on the core ethical principles
 - Request a further review of the project at an appropriate time
 - Feedback to the project lead
 - Recommendations to TV VRU
- h. The Committee is free to publish its views on the use case. The Committee's views will be considered and responded to by the specific project lead. Any comments made by an individual about the Committee's recommendation, whilst not encouraged, should be made in accordance with the Terms of Reference and acknowledged as distinct from the Committee's view.

- i. Core members may (by consensus/voting) allow co-opted Committee members to vote in the recommendation process, should they feel this is appropriate. If voting is used as the method to allow a co-opted member to vote on the use case, and the core membership vote is split, the Chair will have the deciding vote.

Length of membership & ToR review

Individuals will remain as core members of the Committee for the duration of 12 months at which point their membership will be reviewed. The Terms of Reference will be reviewed annually.

Authority

The recommendation published by the Committee is *advisory* regarding use cases. However, any decision to proceed with a use case against a Committee recommendation must be published and communicated appropriately to the wider public via the TV VRU website and other appropriate channels.

Meeting Frequency

Quarterly – Virtual

Reporting

The Data Ethics Committee is independent and does not report to any other group. Its prime interface is with the TV VRU. However, the Committee may make recommendations to other groups. For example, recommendations may be made to any programme board overseeing use cases and the TV VRU Strategic Board. Any recommendations made by the Committee that a use case should not proceed will be raised to the TV VRU Strategic Board (chaired by a chief officer rank Thames Valley Police officer).

Recruitment

The core membership of the Data Ethics Committee has been established by the Data Ethics Design Group, which consulted with Thames Valley Police's Independent Advisory Group and the VRU Strategic Board (and Thames Valley Together's Programme Board) where wider representation from partner agencies was offered. The Committee reserves the right to recruit new community representatives to ensure the membership is balanced and appropriate.

Standing Agenda Items

- 1) Apologies
- 2) Action item updates
- 3) New use cases for Step 1 consideration
- 4) Disclosure of conflicts with use cases from voting Committee members
- 5) Actions to enable the Committee to consider the use case
- 6) Discussion and testimony on Step 2 use cases
- 7) Recommendations (step 3)
- 8) Feedback or urgent considerations by the VRU
- 9) Actions summary
- 10) AoB