



Terms of Reference for Data Ethics Panel, Suffolk County Council

- 1) Purpose:** The Data Ethics Panel (referred to here as 'Panel') provides advice to Suffolk County Council on data ethics so that it can uphold the eight principles as set out in the Ethical Data Stewardship Charter and maintain public trust.

- 2) Scope:** The Panel should not cut across – or take the place of - existing well-established mechanisms that allow constituents, councillors and officials to raise concerns (which may include ethical issues). These include:
 - A constituent raising an issue with a councillor, which may result in a question to council or Cabinet.
 - Making direct complaint to the council (or making a response to formal consultations).
 - Raising a question at any committee where the public are given opportunities to speak.
 - Making a request under Freedom of Information/Environmental Information Regulations or under Data Protection law.

- 3) Referrals:** The Panel, under the auspices of the Audit Committee, can have cases referred to it by:
 - SCC Audit Committee
 - SCC Corporate Information Governance Board
 - SCC Senior Information Responsible Owner
 - SCC Directors
 - SCC Cabinet
 - SCC Research Governance Panel
 - Programme Executive Group, Suffolk Office of Data & Analytics¹

With the guidance of the Ethics Advisor, a referral will be made if there is a substantive data ethics issue which has been identified from ethical impact assessment, and cannot therefore be dealt with by existing governance structures.

One of the principles of the Ethical Data Stewardship Charter is 'participation': "ethical decisions need meaningful participation from a far wider pool of people."

¹SODA comprises different legal entities (including SCC). The Programme Executive Group which represents these organisations could refer a project to the SCC Data Ethics Panel for an independent view.

Although there are important overlaps between ethics and data protection/privacy law, the panel should not be asked to deal with issues which are solely about data protection law (as there is already a Data Protection Officer and necessary governance here).

The referrer needs to be satisfied that that the request specifically relates to data ethics rather than wider political issues.

Data ethics would include (not exhaustive):

- Important questions around whether data **should** be used in the way proposed because there is a reasonable chance of it being unfair, harmful, discriminatory (or being perceived by Suffolk residents as such and liable to undermine trust).
- There is not currently enough evidence around accountability (e.g. not clear on data service ownership once the service moves from a project to steady-state), transparency (e.g. no communications plan for service users) or oversight (e.g. not clear how individuals will stay in control of key decision making in the long-term or how suppliers could make incremental changes that go unnoticed).
- There may also be issues around the balance of benefits and trade-offs: external organisations benefiting (perhaps financially) from the data inputted versus benefits to service users.

But data ethics would **not** for example consider:

- Decisions over whether x or y is better value for money.
- How to best prioritise services.
- Whether the council is making the right policy decisions (unless they relate to public concern around how data is to be used).

4) Composition and tenure

The Panel will consider of:

- The Ethics Advisor (who is the convenor of meetings)
- Two external persons with current or past expertise in data ethics or closely allied field (e.g., academics) on an unpaid basis.
- At least one independent member (co-opted from the Audit Committee).

The external experts are appointed on the recommendation of the Ethics Advisor but subject to the approval of the Chair of the Audit Committee. It is expected that they sit for up to two years. Termination or extension is at the discretion of the Chair of the Audit Committee.

The quorum is: Ethics Advisor + 1 external expert + independent member.

5) Mode of meeting

The Panel can meet ad-hoc virtually or physically whenever there is one or more issue which has been referred to it rather than at pre-ordained intervals.

6) Deliberations

The Ethics Advisor will be asked to complete a written summary of the key findings of the Panel and report back to the referrer. This will include:

- Whether there is a substantive data ethics issue.
- What practical changes are recommended that would make the proposal adhere to the Ethical Data Stewardship Charter.
- Bring comparative evidence from other organisations who have dealt with similar issues.
- Flag up whether a precedent might be set in data ethics and whether further investigation should be made prior to 'going live' with a new project/service.
- Over time to build up a body of corporate knowledge over the ethical data issues which the council have dealt with in the past. This should feed into the ethical data impact assessments undertaken by the council.

The referrer may ask the convenor of the Panel to address the relevant committee verbally as required.

7) Recording outcomes

Once advice has been received from the Panel it is the responsibility of the referrer to document what action they will take after seeking advice. This might include changing scope, adding in extra controls, seeking wider consultation etc. Such information – which is subject to FOI/EIR – should be made as transparent as possible (as per Ethical Data Stewardship Charter principles).