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Statement from Calum [REDACTED] Dundas (bn. [REDACTED]/1982), Head of Data Strategy, Police Scotland to the Sheku Bayoh Public Inquiry responding to questions received under the Rule 8 Request dated 9 May 2024.

1. In response to question 1, a summary of my roles and responsibilities within Police Scotland and previous subsumed entities are as follows;
 - 1.1 2005-2008 - Scottish Criminal Record Office – Service Desk Administrator
 - 1.2 2008-2010 – Scottish Police Services Authority – Audit & Compliance Manager. Responsible for the integrity and quality assurance of information contained with national policing systems (Criminal History System and the Police National Computer) ensuring accurate retention, reconciliation of data across multiple systems and developing appropriate quality systems.
 - 1.3 2010-2016 – Scottish Police Services Authority - Forensic Data Manager. Responsible for the quality of biometric and personal data held in the Scottish Fingerprint Collection and DNA Database and the associated comparisons services provided to Scottish policing.
 - 1.4 2016-2017 – Police Scotland – Temporary Head of National Systems Support. Responsible for leading department in the governance and support of Police Scotland’s national information assets (Criminal History System, Scottish Intelligence Database, Interim Vulnerable Persons Database, ANPR, Violent and Sex Offenders Register) and supporting technologies, with the primary focus on providing data and system support to relevant Assistant Chief Constables in undertaking their role as Information Asset Owners.
 - 1.5 2017-2022 – Police Scotland – Data Governance Lead. Responsible for the design, development and delivery of the Chief Data Office Target Operating Model (CDO TOM) and Master Data Management (MDM) Projects. During this time, in lieu of the Chief Data Office being established, I created the Data Standards Council and authored initial data governance artifacts in data policies around data standards and data quality. Also created the organisation’s data catalogue. The first work of the Data Standards Council was to establish data standards for nominal data.
 - 1.6 2022-present – Police Scotland – Head of Data Strategy. Responsible for direction and delivery of the business data strategy and ensuring it supports and delivers for Police Scotland’s strategic objectives and other business strategies and plans.
2. In response to question 2, an overview of the Data Governance Board is provided below. I have presumed the question relates to this board rather than the Data Governance Group, that does not exist.
 - 2.1 The Data Governance Board has been in operation since 2020 and replaced the Information Governance Board that had a similar but narrower remit. Since conception it has been chair by ACC, now DCC, Alan Speirs undertaking his role as Senior Information Risk Owner (SIRO) and Executive Accountable Officer (Public Records (Scot) Act). I am a member of the board and recently undertook the review and refresh of the Terms of Reference that were ratified in February 2024.
 - 2.2 The purpose of the board is to ensure:
 - Data and associated information is compliant with all statutory and regulatory provisions and security standards.
 - The use of data adheres to the highest standards of ethical and privacy oversight.

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- Key data assets are understood, owned, governed and supported by consistent management processes such as quality and risk management.
- All data activities align to and support overarching data and organisational strategies.
- Change initiatives and developments are aligned to organisational data architecture and standards.
- Data is available to officers, staff and partners when required.
- The criticality of data (its collection, security, management and use) to Police Scotland is recognised at all levels of the organisation and is central to the professional development of the organisation and its staff.

The membership will also support the SIRO in exercising their authority and control (planning, monitoring, tolerance & enforcement) over the management of data and information risks.

- 2.3 I have provided the full Terms of Reference to the Operation Tarn team should you wish to request them.
3. In response to question 3 on the collection, monitoring and analysis of race data in 2015;
- 3.1 I have no knowledge of the monitoring or analysis of race data in 2015. My role at the time had no remit or responsibilities in this area. I would suggest that the Analysis and Performance Unit would be best placed to answer questions in relation to that activity.
- 3.2 In relation to the collection of data I can offer an opinion based on a general understanding of the system and data landscape at the time;
- 3.3 Although a single Police Service at the time, Police Scotland had inherited a fragmented application estate with multiple versions of crime, missing persons, productions, custody, direct measures systems etc. The data capture within these systems all varied with little co-ordination across systems, which had been developed within distinct organisations. Systems were also old and difficult to change. When new data capture was required, such as recording information about hate and domestic abuse crime, it was determined to record into a national system (iVPD) rather than trying to amend x8 crime systems. If there was a common standard in recording race information it would have been challenging to implement it across all legacy systems.
- 3.4 Changes to legacy systems would also be minimised due to the i6 project that was seeking to replace many of the legacy systems with a single national solution. The project did not deliver. In terms of what i6 was planning in relation to the collection of race data, closer to your period of interest (2015) I have access to *the i6 Logical Data Model For PERSON*. This document shows that i6 were planning to allow the recording of:
- Person Self Defined Ethnicity
 - Person Ethnic Appearance
- 3.5 The document does not have the constrained values (CVs) that they were proposing to use however the document references the Police National Database (PND) as the source. I have a separate document that lists the PND CVs. I have provided the i6 project document and the PND CV lists to the Operation Tarn team should you wish to request them.
4. In response to question 4 on the collection, monitoring and analysis of race data in 2015;

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- 4.1 I have no knowledge of the policies or strategies related to the collection, monitoring or analysis of race data in 2015 other than the organisations intention with regards to recording practices on the i6 system.
5. In response to question 5 on trends in race data in 2015;
- 5.1 I have no knowledge of the trends at that time or any response by Police Scotland to them.
6. In response to question 6 on how race data fed into officer training in 2015;
- 6.1 I have no knowledge of officer training or how race may feature in that.
7. In response to question 7 on the current policy and strategy in relation to race data;
- 7.1 As mentioned in section 1.5 I established the Data Standards Council in 2017. The reason for this was to introduce industry best practice to data management, with data standards being one of the key foundational elements to that. We started with nominal data standards as it is one of our most important data sets and as I was establishing a project to implement Master Data Management for nominal details then having a corporate standard was key.
- 7.2 The group met weekly for 90 minutes and included representatives from the analyst community, police officers, IT, data management staff and subject matter experts (data protection, equality & diversity) as and when required.
- 7.3 When defining the nominal data standard the group sought to go beyond just providing a recording structure for all potential data you may wish to record against a nominal but instead narrow the standard down to data that was actually relevant to meet the needs of Police Scotland. The idea was that it prevented officers from capturing unnecessary and disproportionate data and focus them on capturing data relevant to the prevention and detection of crime. The guiding principles of the group where:
- Does this data provide operational benefit?
 - Does this data provide analytical benefit?
 - Is it appropriate and proportionate to ask for and/or record this data?
 - Just because we can record it, doesn't mean that we should.
 - Just because we have historically captured it, doesn't mean that we should.
 - Can this data be accurately captured?
 - Can this data be accurately searched?
 - Focus for officers – help them capture the key data well
- 7.4 In relation to a data standard for race we brought in colleagues from the Equality & Diversity Unit to assist. I don't have notes to validate this but I recall quickly settling on two distinct recording types; Ethnic Appearance (Definition: The ethnic appearance an officer defines for a nominal based off their outward appearance) and Self-Defined Ethnicity (Definition: The ethnicity group a nominal self-defines as). We collected a range of available recording practice including what i6 were proposing, what British Transport Police used, the list from iVPD, the list from the Office for National Statistics and the Scottish Census.
- 7.5 What became clear was that there was a relatively settled list of values for Self-Defined Ethnicity and for this we adopted the CV list from the Scottish Census:
- White Scottish
 - Other White British

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- White Irish
- Gypsy / Traveller
- White Polish
- Other White
- Mixed or multiple ethnic group
- Pakistani, Pakistani Scottish or Pakistani British
- Indian, Indian Scottish or Indian British
- Bangladeshi, Bangladeshi Scottish or Bangladeshi British
- Chinese, Chinese Scottish or Chinese British
- Other Asian
- African, African Scottish or African British
- Other African
- Caribbean, Caribbean Scottish or Caribbean British
- Black, Black Scottish or Black British
- Other Caribbean or Black
- Arab, Arab Scottish or Arab British
- Other Ethnic Group

7.6 The operational requirements of Police Scotland meant that it was important for crime detection that we also had a record of an individual's ethnic appearance. The CV list for Self-Defined Ethnicity was not appropriate for this as included characteristics beyond physical appearance.

7.7 The initial approach was to try and keep consistency between that lists and still use the census data standard, but only use the higher level categorisations of:

- White
- Mixed or multiple ethnic groups
- Asian
- African
- Caribbean or Black
- Other Ethnic Group

7.8 The operational perspective on this approach was that it did not sufficiently distinguish between Southwest Asian and East Asian appearances. They also thought African and Caribbean or Black was not clear when seeking a characteristic that could be consistently applied based on an officer or witness description. There was also the desire to align with historic lists recorded in the Criminal History System, the Police National Computer, and the Police National Database. The ratified CV list for Ethnic Appearance was:

- White - North European
- White - South European
- Black
- Unknown
- Chinese, Japanese Or South East Asian
- Asian
- Middle Eastern

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- 7.9 The Data Standards Council did not determine what data should be captured for all the systems and processes. It would be for each system or process to justify that within their Data Protection Impact Assessment. The council did provide a guide by categorising nominal types and the information that should be captured. This was more to prevent data over-capture in certain situations.
- 7.10 The work of the Data Standards Council in relation to nominal data was presented to the National Independent Strategic Advisory Group in December 2020. I have provided the slides presented to this group to the Operation Tarn team should you wish to request them.
- 7.11 I have no knowledge of the monitoring or analysis of race data or any current policy or strategy in this area. I would suggest that the Analysis and Performance Unit would be best placed to answer questions in relation to that activity.
8. In response to question 8 on the extent Police Scotland are consistent with the principles identified in the UN High Commissioner for Human Rights' report, I can only comment on the data collection aspect. I have no knowledge on the monitoring and analysis activity;
- 8.1 In relation to the principle of Participation;
- 8.1.1 I believe Police Scotland have a strong framework in place to ensure relevant population groups are engaged and consulted in data collection processes, as required. This is facilitated through our Equality & Diversity Unit who were engaged in the data standards process. The group relied on these colleagues to provide direction and insight through their engagement with these community and did this through our discussions around protected characteristics. The group deferred to this team as to when and how groups would be engaged directly but I this was suggested as part of the discussion around race.
- 8.1.2 Latterly a more focussed piece of work has been undertaken in relation to a data standard around sex and gender data. This has been an extensive piece of work and part of the consultation process was to engage with all the Police Scotland staff associations to explain and take feedback on the proposed approach. The work on the standard is still going through internal governance however it is on the roadmap to engage with relevant population groups as part of the external consultation. Again, such consultation will be done on the guidance and facilitation of the Equality & Diversity Unit.
- 8.2 In relation to the principle of Data Disaggregation;
- 8.2.1 The ask for more granular data is one that we face often; sometimes internally from our analysts community and sometimes in our desire to respond to Freedom of Information requests. Ultimately it will come down to proportionality and necessity. The Human Rights Act states, 'that where possible, a public authority should try to ensure that its policies or decisions do not interfere with an individual's right to respect for private and family life, their home and their correspondence. If a public authority does decide that it will be difficult to avoid interfering with someone's Article 8 rights, it will need to ensure that the policy or action is necessary (not just reasonable), pursues one of the recognised legitimate aims and is proportionate to that aim.'
- 8.2.2 This consideration comes out (although at the time not designed specifically around the Human Rights Act) in the principles that Data Standards Council applied to its work. A more conscious application of these consideration has come about more recently when developing recording standards are sex and gender data.

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- 8.2.3 The Human Rights Act and then subsequent legislations, namely the Data Protection Act and Gender Recognition Act, work on this fundamental principle of necessity and proportionality. Police Scotland must examine and demonstrate the data it requires to undertake its core functions. In some instances this will conflict with other requirements placed on us, such as the Public Sector Equality Duty to report on certain characteristics.
- 8.2.4 Referencing advice from the Equality and Human Rights Commission, providing in the context of sex and gender data but relevant to any protected characteristics or sensitive personal information;
- “While there is no specific duty on public bodies to collect information to do this, it would be difficult if not impossible to meet the duty or undertake adequate Equality Impact Assessments, without knowing who uses their services.”
- “Collection of data must be **appropriate and proportionate to the particular purpose for which the data is being collected**. At times, people’s right to privacy will take precedence; at others, such as when a public body is fulfilling its statutory responsibilities, it is likely to be justified to ask such questions.”
- “This point emphasises the need for data owners, in particular when asking questions on legal sex or sex registered at birth, to be assured that they **give proper consideration to the appropriateness and proportionality of the data being collected and the purposes for which it is being used**.”
- 8.2.5 It should also be noted that Police Officers are usually capturing this information in difficult, stressful and time-critical situations and gathering certain information may cause situations to escalate or add risk to the officer. This has to be taken into consideration when asking officers to routinely gather such information and how they go about doing it.
- 8.2.6 In understanding the persecution or targeting of specific population groups, in many instances it is not actually relevant to capture personal sensitive data about the individual persecuted. Offending will be based on the act of the persecutor and the perceived characteristics of the victim, not necessarily the actual characteristics of the person. By way of an example in relation to race; an assault may be committed on a victim that was aggravated by the hatred towards Arabs, as they perceived the victim to be from that region. The fact that the victim was actually from North Africa should not distract from the monitoring of crimes against the Arab community.
- 8.2.7 Disaggregated data is captured at the ‘crime/incident’ level and this has been strengthened by the introduction of the new Hate Crime and Public Order (Scotland) Act. This also prevents unnecessary disclosure of information on sensitive, personal characteristics when the individual may come into contact with Police Scotland for another matter, where this information is then irrelevant to the enquiry or out of date.
- 8.3 In relation to the principle of Self-Identification;
- 8.3.1 Police Scotland has a data standard for Self-Defined Ethnicity, separate to Ethnic Appearance, as per section 7.4 above.
- 8.3.2 As per my submission above Police Scotland aligns with the principle outlined in the UN Report; “Data collectors should only include characteristics that relate to personal identify in data collection exercises where it is necessary and appropriate to do so. Questions about

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personal identify characteristics should be voluntary and a non-response option should be provided.”

- 8.4 In relation to the principle of Transparency;
 - 8.4.1 I believe Police Scotland has a strong framework in place, through our Equality and Human Rights Impact Assessment, to ensure the collection and use of protected characteristic data is considered and transparent.
 - 8.4.2 The Equality and Diversity Unit can provide further information on this process however in the recent work on defining recording standards for sex and gender data I’ve worked with them to provide a comprehensive assessment. The plan is for this to be published externally as part of the consultation once the recommendations with the report have gone through internal governance.
- 8.5 In relation to the principle of privacy;
 - 8.5.1 I believe Police Scotland has a strong framework in place, through our Data Protection Impact Assessment, to ensure the collection and use of protected characteristic data is done in line with the provision of the Data Protection Act.
 - 8.5.2 The Information Assurance team can provide further information on this process however I have completed many of these assessments and know them to be rigorous and thorough, with the process well established across all processes within the organisation.
- 8.6 In relation to the principle of accountability;
 - 8.6.1 Police Scotland has a data governance framework in place where all data across the organisation is aligned to an Assistant Chief Constable Data Owner who is accountable for the collection, processing, use, sharing and deletion of that data. Data Owners report into the Data Governance Board, chair by the Senior Information Risk Officer.
 - 8.6.2 I cannot offer anymore views on this particular principle other than to refer to submission against previous principles above.
- 9. In response to question 9 on the extent Police Scotland are consistent with the principles identified in the European Commission’s “Guidance note on the collection and use of equality data based on racial or ethnic origin”, I can only comment on the data collection aspect. I have no knowledge on the monitoring and analysis activity;
 - 9.1 In relation to the principle of mapping existing data sources;
 - 9.1.1 This aligns to the data governance principles that Police Scotland have been introducing as part of the Chief Data Office and overseen by the Data Governance Board. We seek to catalogue all critical data across the organisation, agree definitions and standards, map the data to critical systems and processes, profile the data within these sources to understand levels of quality and alignment to the standards, put in mitigation plans and monitor progress.
 - 9.1.2 As mentioned in section 7.1 Police Scotland is also introducing industry best practice in Master Data Management that seeks to consolidate nominal records from multiple systems into a single ‘master’ record.
 - 9.2 In relation to the principle of a needs assessment;

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- 9.2.1 I refer to my submission in section 8.2 relating to Police Scotland’s approach to the proportionate collection of this data.
- 9.3 In relation to the principle of alignment of definitions;
- 9.3.1 I refer to my submission in section 7 relating to Police Scotland’s approach to data standards in this area, which is part of the data governance framework also outlined above.
- 9.4 In relation to the principle of compliance with data protection rules;
- 9.4.1 I refer to my submission in section 8.5 relating to Police Scotland’s approach to data protection impact assessments and also the presence of data protection experts contributing to the discussions of the Data Standards Council.
- 9.5 In relation to the principle of self-identification based collection;
- 9.4.1 I refer to my submission in sections 8.2 and 8.3 relating to Police Scotland’s data standard around Self-Defined Ethnicity and Ethnic Appearance.
- 9.4.2 I note the definition of racial or ethnic origin within the document extends to other data beyond Self-Defined Ethnicity and Ethnic Appearance. As part of the nominal data, only Nationality forms part of the standard.
- 10. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry’s website.

May 23, 2024 | 9:47 AM BST
Date Signature of witness ..

