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Justice Data Matters

Evaluation Report

Executive summary

In 2022, Justice Lab, a special initiative of The Legal Education Foundation commissioned Ipsos UK to carry out public attitudes research and a public deliberation exercise about the commercial use of data in court records, and particularly bulk access to court judgments. This was intended to inform the work of the Shadow Senior Data Governance Panel and the governance of data made available through a new Find Case Law service, managed by The National Archives, providing access to court judgments.

This evaluation examines the effectiveness of this project, to understand how to fill gaps in existing research and identify lessons to be learned for similar exercises in the future. We carried out a review of the project reports and documentation, 10 semi-structured interviews with a range of stakeholders, and desk research on other public dialogue and deliberation exercises and recognised best practices. We found that:

- The research generated strong and timely findings on public attitudes towards the governance of digitised court records but in general key audiences regard the report as 'interesting' rather than 'influential'.

- There are significant cultural barriers to be overcome if public participation is to be embedded within the governance of justice system data. Key audiences were open to future public engagement activities, but generally expressed reservations about giving the public a larger formal role in justice data governance.

- Many interviewees generally accepted that there is meaningful public concern about how justice data is used but reflected that this can be explained because the public don't really understand the justice system.

Some perceived the concerns as addressing future challenges rather than current issues.

- The process adopted a well-planned and credible methodology, run by experienced facilitators, with a reasonable scope given the available timeline and resources. However, limited buy-in and engagement from decision makers, a lack of off-the-shelf explainers and other background materials, and limited time and resources for communicating about the public deliberation and its findings have restricted the overall impact of the process.

We have made five recommendations for Justice Lab to consider in future work:

- Build receptiveness of the justice system to public involvement in data governance by emphasising the risks of not securing a strong public mandate for court data sharing, or by situating public deliberation in comparison to other ways of engaging the public.

- Run more participatory exercises. There are several potential areas on which these could focus:

    1. exploring principles and practices of open justice in a digital age through a citizen's assembly that explores the implications of records being public online instead of, as has historically been the case, only for those who physically go to access them

    2. examining the implications of future technologies on justice data using participatory futures methods that involve a systematically engage a diverse group of people in thinking through the consequences of a range of emerging technology scenarios

    3. informing the design of specific digital and data services such as the Find Case Law service through targeted consultation, participatory design, and participatory impact assessments around selected aspects of the service

    4. making decisions about data access requests through mini-publics (small groups selected to be broadly representative of the general population or affected communities) to articulate general principles for dealing with requests and through direct

> involvement of members of the public in making or reviewing decisions about specific requests

We recommend advocating for the first three but focusing direct energy and funding primarily on the fourth.

- Incorporate a communications and influencing strategy in future activities so the outcomes from deliberation more effectively impact on intended audiences.

- Develop robust background materials that explain key concepts of open justice and the use of data in the justice system to support future public engagement, and to reassure target audiences of the public's understanding of complex justice issues and concepts.

- Create a cohort of participants from future mini-public activities who can opt-in to ongoing engagement with justice data governance.

Public participation in decisions related to the collection, access, and use of data is not yet standard practice. Initiatives like the Justice Data Matters research are leading the way both in developing approaches to bringing public voice into data governance and in helping those exercises inform official decision making.

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Introduction

As part of a £1.3 billion programme of court reform currently underway, many aspects of how courts work are becoming digitised, meaning that more data about the court system and how it functions is becoming available.

In May 2022, The National Archives launched a new Find Case Law service providing access to court judgments. This includes two kinds of access, to:

- **individual court judgments** – useful both for those involved in the case and as precedents for those wishing to learn from them

- **bulk downloads of court judgment data** – useful to researchers and policymakers who wish to understand the functioning of the court system, and to innovators who seek to build data-driven tools to support lawyers, citizens and others who interact with the court system

Determining who should have access to court judgment data – particularly bulk downloads – and for what purposes, is not straight forward. Transparency and open justice are essential for a functioning, trustworthy court system and to support tasks such as due diligence. But equally, security and confidentiality is essential for individuals who interact with the court system, from judges and lawyers to victims, witnesses, and defendants.

Moreover, the adoption of new technologies, based on court judgment data, into the justice system will change the way the system itself works. Some of these may be welcome, such as increasing efficiency to tackle court backlogs. Others may be problematic, such as if uses of historic data perpetuate past inequalities, or if access to justice becomes dependent on access to technology.

What's more, the government's collection, use and sharing of data about the public has been contentious in other sectors. Most notably, in the health sector, there have been a series of scandals revolving around the collection of data from GPs, and the sharing of data with commercial companies such as insurance agencies or DeepMind. These scandals have led to individuals opting out of data collection, and entire data sharing and innovation programmes being scrapped. There are risks that something similar could happen in the justice sector.

The National Archives has put some controls in place over access (and particularly bulk access) to court judgment data, balancing its archiving responsibilities with those it has under data protection law. Wider questions around the governance of court data – and particularly those that relate to novel or contentious uses of data – are addressed by the Shadow Senior Data Governance Panel, which advises the Lord Chancellor and Lord Chief Justice on these issues.

Justice Data Matters research

To help inform the work of the Shadow Senior Data Governance Panel, Justice Lab at the Legal Education Foundation commissioned Ipsos UK to conduct mixed methods research combining quantitative polling with deliberative engagement to explore public attitudes to the commercial use of data in court records, and particularly bulk access to court judgments.

This research had two components:

- Public polling of 2,164 adults to quantify public opinions of justice system data and identify the core areas of concern

- A deliberative public engagement exercises involving 30 participants over six hours (in two online sessions) to explore public norms, attitudes and expectations in relation to data held in court records, including judgments

The results of this research was documented in the report Justice Data Matters: Building a public mandate for court data use. The research found that:

- 80% of people said there should be limits and controls on who can use information from court records and how they can use it.

- 50% of polling respondents expressed discomfort about use of court data by tech companies, and similar numbers by credit rating agencies (42%) and insurance companies (42%).

- 59% said they were comfortable with the information from court records being used to improve judges' decision-making or reduce costs in the justice system but only 26% were comfortable with commercial companies having access to develop products and services (26%).

- 70% of participants said that they knew nothing or not very much about the information contained in court records, and 74% about who has access to court records.

- 64% felt that the government keeps the public "fairly poorly" or "very poorly" informed about how information from court records is used.

- Participants felt that access arrangements should prioritise applicants and applications that deliver proven public benefit, and that products built using court record data should be evaluated by an independent regulator

Based on these findings, the report recommended that policymakers:

- Understand and accommodate the public's interest in the use of justice data.

- Prioritise transparency and good communication.

- Formalise existing governance and ensure limits, controls and regulation that are in line with the public's expectations.

- Undertake further research to understand what 'public interest' looks like, and build public engagement into data governance.

The research was published in July 2022, and launched at an Institute for Governance DataBites event on 20th July 2022.

Evaluation

Following the dissemination of this research, the Justice Lab commissioned this evaluation to:

- Examine the effectiveness of the research activity in meeting its aims

- Identify lessons learned for how to approach future public deliberation about data in the justice sector and more widely

- Understand how to fill any gaps in the results of this research through future exercises

Evaluation Methodology

This evaluation is based on a four stage process, starting with a review of the project report and documentation. This was followed by a series of 10 semi-structured interviews with key stakeholders. Interviews took place between 31st August and 14th October 2022, online or via phone, lasting 35 to 60 minutes. Interviews were recorded, machine-transcribed, and reflective notes taken from each interview.

In parallel, desk research has explored broader examples of public participation, dialogue and deliberation in relation to data governance, and a separate strand of desk research has focussed on best-practice literature on public dialogue.

Interviews were coded for emerging themes, which were then compared to findings from desk research to develop the key headings below.

Table 1: Interviewee characteristics

Category	No. of interviewees
Government official	2
Judge	1
Lawtech specialist	2
Public sector technologist	2
Researcher	1
Participation practitioner/manager	3
Of which	
Project advisory group members	4
Shadow Senior Data Governance Panel (SSDGP)	3

Evaluation findings

The Justice Data Matters project can be understood and evaluated at three levels:

- Firstly, to what extent did the project credibly surface public attitudes towards use of data from court records?

- Secondly, to what extent have these findings informed wider work to develop, refine and maintain a public mandate for collection, sharing and use of data generated in the justice system?

- Thirdly, to what extent has the project provided a starting point for further engagement: "identifying areas where more research, public and senior stakeholder engagement is needed?"[1]

The sections below address these issues by looking first at the evidence of impacts from the project, before turning to dig deeper into how key audiences have perceived the project and its findings, and ending with a detailed process evaluation, drawing on an established framework for informed participatory dialogue to identify learning for future exercises.

Impact

In this section we explore evidence on whether, and how, the research has changed (or is likely to change) the Ministry of Justice's data policy, the work of the Shadow Senior Data Governance Panel, the governance of justice data (including the role of the public in that governance), and/or its use by commercial or public sector organisations. We note that as the research has only been available for a few months, impacts are hard to identify, so our focus is on early signs.

Justice Data Matters generated strong and timely findings on public attitudes towards the governance of digitised court records. The polling and dialogue process was able to generate robust headline findings and detailed analysis which can be used to interrogate the extent of a public mandate for the use of data from court records. However, uptake and use of this evidence by key stakeholders has been relatively limited.

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[1] [Justice Data Matters Final Report](#) pg 11

Impact on stakeholders' work

In general, key audiences have regarded the report as 'interesting' rather than 'influential'. Interviewees commonly reported that the project report has not yet influenced them to take any specific actions. However, they regard it as a useful reference to return to, or as a useful baseline with which to compare future work. *"It's something that I will go back to for sure, and I would quite like to think that, when I read it properly, it may well inform some of the work that I do in the future"* [**SSDGP member**].

A number of interviewees found support for their existing work within the findings. For example, *"it has underscored the importance of being transparent with the activities that are permitted with a transactional licence* [on Find Case Law]" **[Public sector technologist].**

The project may have contributed towards formalisation of the Shadow Senior Data Governance Panel. At the launch of the Justice Data Matters report, Daniel Flury, Director of Access to Justice Directorate at Ministry of Justice, announced plans to formalise the Shadow Senior Data Governance Panel. Prior to this, there had been some concerns that the SSDGP's mandate may not be renewed, suggesting that the Justice Data Matters project may have helped to create the environment for SSDGP formalisation by demonstrating high levels of public concern about justice data governance. However, interviews did not provide conclusive evidence on this point.

Impact on approach to public engagement

Key audiences were open to future public engagement activities, but generally expressed reservations about giving the public a larger formal role in justice data governance. Interviewees reported looking forward to "future studies and surveys" and noted the importance of engagement as a continuing process, in order to reflect changing public opinions around data.

However, none of the evaluation interviewees working within the justice system expressed support for greater structured and sustained public participation in justice data governance. Instead, interviewees raised a range of concerns:

- fears that processes would be "hijacked" by particular interests
- a view that existing consultation and legislative processes were adequate
- concerns about the potential constitutional issues with deeper public engagement in courts

This suggests that there is more work to be done to help key audiences to map, understand and consider the different roles that public engagement could play within justice data governance. Notably, interviewees had very limited experience of public engagement processes beyond the Justice Data Matters project and so may be drawing on a limited framework for thinking about public voice.

There are significant cultural barriers to be overcome if public participation is to be embedded within the governance of justice system data. Although, as one interviewee put it, *"I think the judiciary really care a lot about what is in the public interest... so I think they will be listening",* there is a strong culture of 'expert authority' within the justice system that creates particular challenges for the way public voice is brought into, presented and given power within justice data governance.

> "I think public acceptability and the public interest are maybe two different things.... Sometimes we need to make decisions in the public interest that may go against public acceptability in the short term."
>
> SSDGP member

In a number of cases, interviewees suggested that decisions ultimately had to come from Ministers and so there was limited space to embed public participation outside of formal political processes. This reveals some assumptions about the level of decision-making targeted by Justice Data Matters. While Ministers may provide the overarching policy framework for data sharing in government, day-to-day operational decisions, such as whether to permit a certain data user access to detailed court records, are made at an

operational rather than Ministerial level. The messages from public participation activities such as Justice Data Matters can be used to inform this delegated decision making, as much as to feed into higher level political processes.

There was a general perception from interviewees that the level of public concern about justice data was primarily because the public were uninformed, and that because of the complexity of the court system it was not reasonable to expect members of the public to become adequately informed, even following a dialogue process. One interviewee suggested *"it is difficult to differentiate attitudes to court data against general attitudes to data"*.

Perceptions

We explored the attitudes of key stakeholders both towards the specific findings of the Justice Data Matters project and to the role of public participation in future justice data governance more generally.

Public data and open justice

Key audiences took a range of different lessons from the research findings. Responding to the poll finding that "80% of people said there should be limits and controls on who can use information from court records and how they can use it", a number of interviewees expressed surprise at how high the figure was whereas others were surprised that that *"only 42%* [of the public] *were concerned about credit rating agencies or insurance companies"* **[SSDGP member]** using court records data.

In general, interviewees indicated a desire for greater detail about the specific measures that had public support in the poll, and didn't feel that this was fully provided by the deliberative component. For example: *"When we look at what those limits and controls are, it may be that 80% figure would change. If there were more specific points [describing the exact limits and controls] - that might change"* **[SSDGP member]**.

Interviewees generally accepted that there is meaningful public concern about how justice data is used but frequently suggested that the public don't really understand the justice system. As a result, interviewees were

more likely to raise questions about the findings rather than to identify actions or changes required as a result of public views.

> "So firstly, on process, it would be really good to get clarity on the specific courts that people are concerned about because looking at someone's divorce case, and having that on the Internet, is very different from looking at the prorogation of Parliament and the UK Supreme Court Judgment. They have very different public benefits and privacy costs."
>
> "Secondly, specifically what information is concerning people. My assumption is that it's the personal data that is within court judgments. But if people are upset about the date when a particular judgment is made from a particular court being public that's a really different conversation."
>
> Public sector technologist

In particular, a number of interviewees often noted that principles of open justice were poorly understood by the public but were generally seen as sacrosanct by justice system insiders, suggesting that .in effect open justice should trump any public concerns about data being made available.

However, at least one interviewee suggested that principles of open justice in a digital age need re-examination, potentially through large-scale deliberative processes such as the citizens assemblies recently used to consider constitutional issues in the Republic of Ireland.

There were conflicting views over the extent to which digitisation of justice data changes anything. A number of interviewees did not see any consequential distinction, for example, between information being available by visiting a court building versus the information being available online. Future work may want to engage more deeply with how the public respond to the material change between records being 'public' but only accessible in physical locations and records being 'public and online' for anyone to access, including in bulk.

Current concerns and future challenges

There was a perception from some stakeholders that Justice Data Matters was addressing _future challenges_ rather than current questions of data governance. A number of interviewees suggested, for example, that Find Case Law data access requests were, at present, uncontroversial and that some of the more 'advanced' or challenging requests for commercial data reuse had not yet been encountered. This did not necessarily undermine their support for the project as preparing for future challenges was seen as valuable. However, it did diminish the extent to which they identified public attitudes as having direct implications for current decision-making.

At present, no applications to the SDDGP are not in the public domain. However, if they were, future processes could explore use of real-world examples of data access requests considered by the SDDGP in order to better understand where public views add to, or differ from, panel member perspectives.

> "It'd be really nice to sort of separate all those different components out as there might be a genuine concern about hypothetical misuse. And then, which would have a certain weighting. But if there was also genuine concern about a current misuse, that would have a greater rating, right."
>
> Public sector technologist

Granularity of data decisions

The research was centred on purposes for data re-use whereas some of the practical issues stakeholders are grappling with relate to the specific fields of data to collect or release, or how documents should be redacted. Questions of the specific information that should, or should not be, included in public court records are the subject of live debate, and differing decisions, in a range of national contexts. For example, different views have been taken in France and the European Court of Justice as to whether named parties should be included in public records.

While the research identified some public attitudes towards what information should be included or redacted, this is reported in terms of participant views

that "only anonymised data is needed" for particular purposes. A more systematic review or reporting of how – in the public's view – redaction practice could or should be applied across use cases may have helped to make some of the findings more concrete for certain stakeholders, and connect more directly with the design of justice data systems.

Communicating findings from deliberations

There were concerns that findings from deliberative dialogue were difficult to communicate internally. In particular, although polling, public attitudes research and user research are reasonably well understood, there is less understanding of the contribution that public dialogue plays.

> "I think when you see the sample size - one of the challenges for the uninformed is - you know, we're taking conclusions the public thinks, and it's actually a deliberative group of 30 people. It doesn't matter if the methodology is incredibly sound and it's very well thought through, etc. It's still a group of 30 people and that is, from a positioning perspective, very challenging internally."
>
> Government official

Process

In this section we take a detailed look at the process of the Justice Data Matters project and explore its strengths and weaknesses.

The Open Government Partnership Practice Group on Dialogue and Deliberation has set out [a best practice model for a 'dialogue cycle'](#) based on the four main stages (parameters, planning, engagement, evaluation) and summarised in the diagram below. The long-established UK government backed Sciencewise programme also provides [a set of guiding principles for public deliberation](#).

Although the Justice Data Matters project did not entirely follow the sequence set out in either model, the OGP dialogue cycle provides a useful template for describing key features of the process and exploring strengths and weaknesses

of the project. Appendix 1 assesses the Justice Data Matters process against the 18 named steps of the model.

In particular, the process adopted a well-planned and credible methodology, run by experienced facilitators, and with a reasonable scope given the available timeline and resources. This should lend credibility and weight to the public views articulated through the process. However, limited buy-in and engagement from decision makers, a lack of off-the-shelf explainers and other background materials, and a lack of time and resources for communicating about public deliberation and its findings have restricted the overall impact of the process.
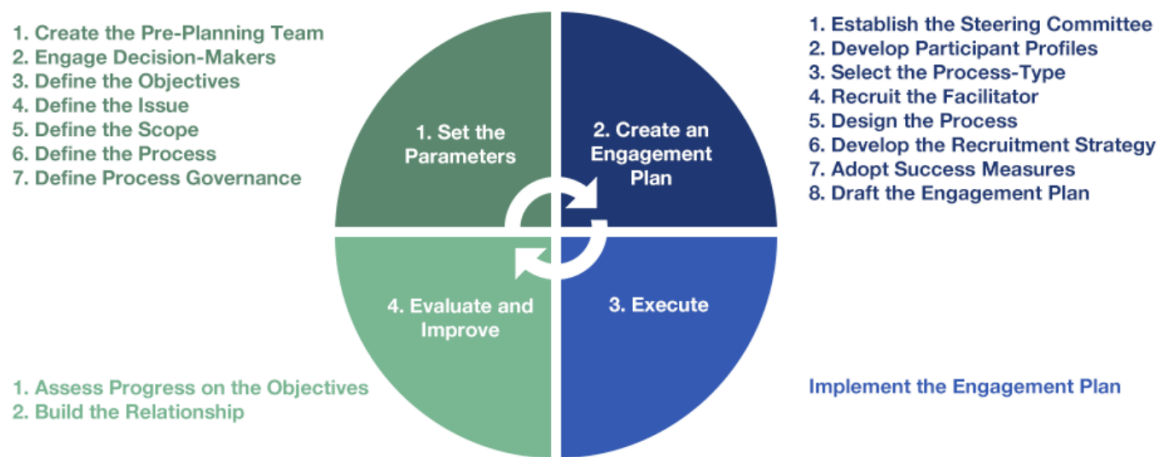

1. Set the Parameters
1. Create the Pre-Planning Team
2. Engage Decision-Makers
3. Define the Objectives
4. Define the Issue
5. Define the Scope
6. Define the Process
7. Define Process Governance

2. Create an Engagement Plan
1. Establish the Steering Committee
2. Develop Participant Profiles
3. Select the Process-Type
4. Recruit the Facilitator
5. Design the Process
6. Develop the Recruitment Strategy
7. Adopt Success Measures
8. Draft the Engagement Plan

3. Execute
Implement the Engagement Plan

4. Evaluate and Improve
1. Assess Progress on the Objectives
2. Build the Relationship

Figure 1: The Deliberation Cycle. Source: The Open Government Partnership Practice Group on Dialogue and Deliberation

Objectives & issues

Detailed plans for the Justice Data Matters project on court data use were initially developed in February 2022, with an ambitious goal of producing findings ahead of the launch of the Find Case Law service in May 2022 in order to inform the commercial use licence for that platform.

From early on, the project had two broad objectives. Firstly, to address the question of *"how commercial access to justice system data should be handled"*. Secondly, to develop *"foundations for a longer-term exercise to explore the ways in which public deliberation can be meaningfully incorporated into data governance and data stewardship in the justice space."*[2]

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[2] Source: Ipsos UK Project Proposal

In the end, the deliberative process process took place in late May, with a final report published in July 2022. As a result, the research and report adopted a broader framing, seeking *"to understand what the public thinks and feels about the collection, governance and use of data held by the courts."*, namely, *"what does the public consider acceptable when it comes to sharing and using data? What safeguards need to be in place, and what governance models need to be adopted to support data use that commands public trust?"*.

While this broader framing of the issues may help show how public views on commercial use sits alongside views on other potential uses of justice data, it represents a degree of drift from a targeted focus on particular decisions around commercial access to data from the Find Case Law platform.

Notably, the focus on *re-use of justice data* did not leave space to explore one of the key concerns that interviewees also raised about the *collection of justice data*, and the significant biases that exist with respect to the records that are digitised or made available through platforms such as Find Case Law. Although it would have been hard to include this within the scope of a short dialogue process, future work may want to take a more 'end to end' approach to considering the challenges of justice data governance in order to better surface some of the particular challenges and concerns affecting how data could or should be used.

Scope

Given the breadth of the justice system, finding the appropriate scope for both polling questions and the deliberative component was a key challenge.

The polling component of the work used the language of **court records**, explaining that this incorporated **court judgments**. The examples of cases given were from civil courts though polling respondents were not specifically asked to restrict their opinions to civil cases.

In the deliberative component, participants were introduced to the broader concept of **justice data** and told the focus of discussions would be specifically on **court records.** The report notes that *"While the workshops allowed for participants to share their views on court records for all types of justice (including criminal), the examples, case studies and probes were framed around civil cases."*. Specifically, background materials noted cases may be from criminal, civil,

family and administrative courts, and a judgment from an employment tribunal was used as a key background resource.

In interviews with key stakeholders, they often raised questions concerning the type of case or court that participants' views related to. For example *"it would be really good to get clarity on the specific courts that people are concerned about"* [Public sector technologist]; and *"that depends on how you define court records. Is it criminal court records, or is it civil court?"* [Lawtech specialist].

The report justifies the broad scope of discussion on the basis that *"it was important not to over-complicate or stifle discussions by setting parameters that they may not fully understand or feel comfortable with"*[3]. However, additional investment in helping workshop participants to understand this distinction and introducing probing questions on how far views apply to different kinds of cases may have generated insights and conclusions that could speak more directly to justice system professionals.

Process design

The process combined polling and deliberative workshops. Interviewees noted this was in part because of the view that policy-makers, the primary audience for the work, *"would value both deliberative and quantitative insight"* [Participation practitioner]. There is a tension in this design: "*If you're doing deliberation, it tends to be a difficult topic to condense into polling."* [Participation practitioner].

Polling

A number of participatory data governance processes have sought to combine qualitative and quantitative insights.Sometimes polling is undertaken before deliberation while in other research polling is used to validate findings emerging from a deliberative exercise. In the Justice Data Matters design the project team undertook polling first to "*test the appetite for the conversation and highlight hotspots"* for deeper discussion, and to "*test public awareness*" of justice data governance issues. The polling was robustly designed with clear quality control processes in place.

For future activities involving polling before dialogue, Justice Lab may want to explore broader presentation of poll findings to key decision-makers (in addition to those engaged in the project's advisory group) *prior* to finalising the design

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[3]Justice Data Matters: Building a Public Mandate for Court Data Use (2022, IPSOS & LEF)

of dialogue workshops. This may provide an opportunity to identify the areas where senior decision-makers want to understand more the nuance of public view and would help secure decision-maker buy in to the deliberative workshop process as a means of addressing matters that arise from the quantitative findings. Such an approach would broadly follow the Informed Participation Process Template by using polling to define the issues, and dialogue to start on developing solutions (or at least deeper understanding of the problem space to support future work on solutions).
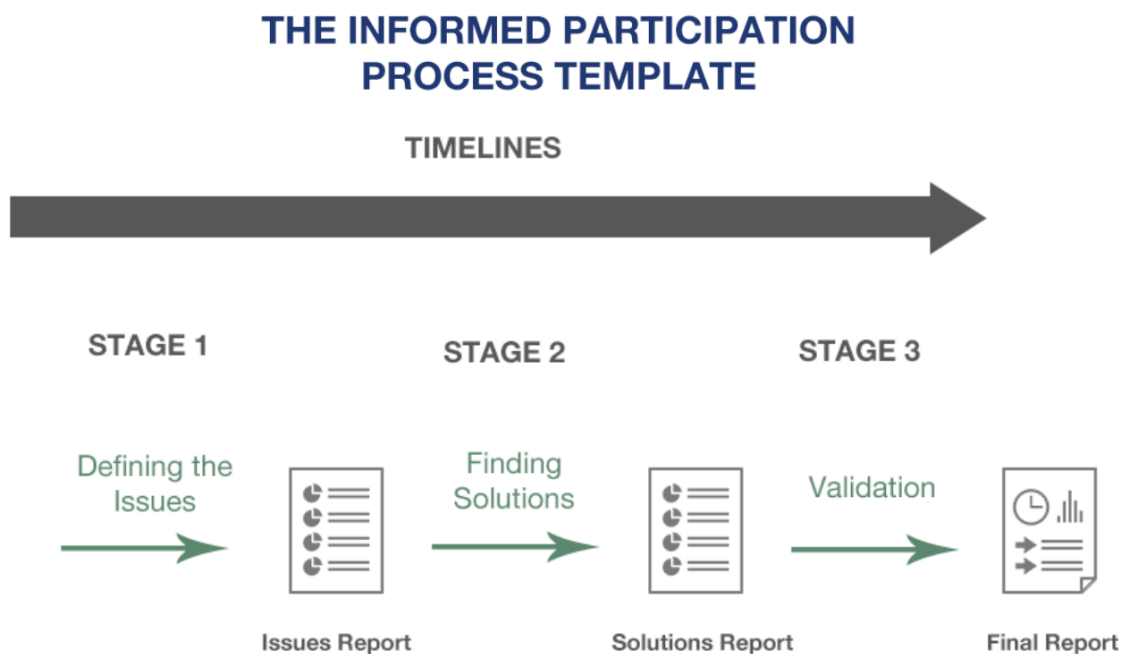
THE INFORMED PARTICIPATION PROCESS TEMPLATE

TIMELINES

STAGE 1   STAGE 2   STAGE 3

Defining the Issues → Issues Report

Finding Solutions → Solutions Report

Validation → Final Report

Figure 2: Informed participation process template. Source: The Open Government Partnership Practice Group on Dialogue and Deliberation

Dialogue

For the deliberative component of the project, time and resource constraints led to the originally planned three workshop sessions (Learning; Deliberation and Co-production) being compressed into six hours over two sessions (Learning + Deliberation, then Deliberation + Co-production). Consequently, the report recommendations were drafted by Ipsos UK with Justice Lab feedback rather than developed directly within the workshops. One interviewee talked of how time constraints placed a limit on *"getting the deliberation to a much more advisory point so that the participants could then, in the following six, seven or ten hours of deliberation, actually developed a governance framework for access to new*

data, or articulated in more details the conditions that they want, and how those might be implemented." [Participation practitioner].

Within these constraints, the workshops were well sequenced and provided clear space for participants to develop their views. The report pays particular attention to directly representing participant views, making extensive use of direct quotation to contextualise the analysis.

Background materials

Detailed background materials were developed and shared with advisory group members for feedback. Although only one expert presenter was present during the workshops (both citizen jury and longer dialogue processes often seek to use the voices of multiple experts to present differing views for participants to take account of), a script was developed to be followed during expert inputs to limit any bias in the presentation of background material. Input from the expert advisory group was critical in the development of materials and, in particular, in shaping the use of case studies.

> The advisory group were key to "scoping [background materials] out, testing the relevance of them, making sure that we were presenting them in an unbiased way that highlights the right kind of benefits, risks and big questions without overly steering in one way or the other: just having a good spread of discussion points and examples. That would have been very, very difficult without the expert advisory group."
>
> Participation practitioner

The background materials used in the deliberative component were very text heavy and made little use of visuals or diagrams. This reflects the early stage of dialogue work on justice data[4].

The project team also noted that, compared to healthcare contexts, it was much harder to find useful case studies as stimulus materials for the discussion. Of the three cases used, two were drawn from the USA.

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[4] Background materials can be seen in the appendices of the research report.

Some interviewees from the target audience for the report raised a concern that dialogue had focussed disproportionately on Artificial Intelligence and uses of data that don't represent the issues likely to be of most concern when it comes to use of UK justice data. However, for others, this can be seen as a strength of the process:

> "I think most people that have been thinking about these issues have raced ahead imagining more novel and interesting ways of processing this data than, in fact, people are out there itching or wanting to do. This is a good thing. It's good because it means that we've got the opportunity to be ahead of it, rather than following."

> Public sector technologist

Stakeholder engagement and advisory group

Although the Shadow Senior Data Governance Panel were informed of the Justice Data Matters project, and gave their support to it, including through a number of members participating on the Expert Advisory Group, key government decision-makers took limited ownership of the project. For one interviewee, this was a matter of timing, noting that *"government reps on the advisory board didn't get involved until the work was well advanced... and so the sense of being in the tent was not as strong as I think Justice Lab would have expected"* [Government official].

The composition of the Expert Advisory Group, including members with diverse viewpoints on the future use of justice data, had an important role to play in providing credibility to the process. To some extent, it was intended to pre-empt and manage potential objections to the findings: *"the people who were most engaged with [the advisory group were] the people who were quite worried about the findings"* [Researcher]**.** However, due to scheduling and resource constraints only one expert group session was organised (split across two meetings to accommodate different schedules) and other feedback was handled via email. Additional advisory group meetings, including at a pre-planning stage, may have helped to build greater ownership.

Advisory group members also noted that feedback requests had a tight turnaround, which could have been more easily accommodated with advance notice of when to block out time to provide feedback. Although advisory group members were offered the chance to be observers of the deliberative workshops, none took up this opportunity and none interviewed appeared aware that this had been an option.

The fact that key stakeholder and advisory group members did not observe the process means that opportunities for stakeholders to be energised by hearing informed public voices, or to become champions of public voice through the process, were missed. Future exercises may want to pay extra attention to inviting stakeholders as observers, engaging key stakeholders as expert informants or creating more defined moments (for example, the first and last hour of the workshop process) where outside observers can be invited, recognising the time demands of observing a process throughout.

Participant recruitment and representation

Workshop participants were recruited by Ipsos UK with a sampling strategy to broadly to represent the demographics of the UK, adjusted based on results from the polling component. In particular, an even representation of age groups (16+) was sought, a quota for self-employed participants set and the sample adjusted slightly towards lower income groups to reflect particular concerns from this demographic in polling. An existing quota for previous experience of a court or tribunal in the UK was used (6) and the final sample included almost double this. Care was taken to make sure breakout groups during the workshop also had a breadth of ages and experiences represented. Participants were paid for their time participating.

The chosen recruitment strategy, paired with consistent headline findings across both polling and workshop components, protects well against any accusations that the deliberative workshops were pre-biased through participant selection.

However, there are some limitations to recruitment through a market research oriented agency, not least because it may provide limited opportunities for participants to engage with justice data governance in an ongoing way. Participant relationships were held by Ipsos UK and so there are barriers to ongoing engagement even if certain individuals are interested in taking part in

future work around justice data governance. The model also limits the potential for participants to become spokespeople for the research findings.

Communicating findings

Findings were written up in an Ipsos UK branded report, summarised in a press release by Justice Lab and launched at a Justice Lab-sponsored "Data Bites" event hosted in person at the Institute for Government, and live-streamed. At the time of writing, the launch event recording has been watched on YouTube over 450 times.

Findings were also presented in advance to the SSDGP and members of the SSDGP were invited to the launch event, including as speakers. The research was shared within two party conference roundtables in autumn 2022 and through direct briefings with a number of parliamentarians.

The reception of findings was explored in earlier sections. However, it is notable that while the report makes extensive use of direct quotation from participants, it does not include images and while the idea of using video clips of participants explored in an Expert Advisory Group input was taken forward, it was hard to obtain, and get permission to share, compelling videos. This has an impact on the extent to which the presentation of the findings comes across as 'the public voice' as opposed to the voice of the commissioning (Justice Lab) or delivery agency (Ipsos UK). This can be contrasted, for example, with policy-oriented research, which, while less able to claim to represent public views, often draws upon case studies of individual experience to 'personalise' the overarching message.

There does not appear to have been a detailed ongoing stakeholder engagement and communications strategy to maximise the impact of the findings, or to explore avenues to share selected findings through mainstream or social media beyond the report launch.

Insights from wider participatory practice

Given the findings of Justice Data Matters and these evaluation findings, where are the opportunities to develop, refine and maintain a public mandate for collection, sharing and use of data generated in the justice system?

This section provides material to help address this question by looking at the existing landscape of public engagement around data governance in the justice system, taking inspiration from public engagement projects focussed on data governance in other settings.

Situating public deliberation

During evaluation interviews, a number of other forms of public engagement were cited as already employed by justice system stakeholders. Consultation, user research and public opinion research were all pointed to as examples of how public input already shapes justice system data governance.

While these all have a key role to play in the development of policy, and delivery of public service (as described in the table below), they do not replace the need for deliberative engagement. In some cases (consultation, for example), there is little evidence that formal routes have been used to date to secure public mandate for justice data sharing. In other cases, such as the widespread use of user research, the questions that can be effectively addressed are narrowly focussed on how to improve service delivery, rather than critically assessing questions of service and data governance.

Method	Description
Consultation	Public consultation is a structured process inviting (usually written) submissions from individuals and organisations in response to a set of questions or policy proposals set out by the government. **Consultation asks:** What do key stakeholders think about possible policy reforms? Government departments run regular consultations on policy proposals, changes and major projects. A review of Ministry of Justice consultations listed online does not surface any recent consultations that have addressed issues of data governance.

Method	Description
User Research	User experience research uses various methods including interviews, surveys and user-observation, often in one-to-one settings, to understand how the 'target users' of a platform or service engage with it. It may focus in particular on the 'pain points' of a particular design, and how they can be overcome. **User research asks:** How can a system, process or platform be designed to work better for target users? MOJ and HMCTS regularly commission user research, and have in-house user research teams. The National Archives use user research to understand how to meet the needs of various Find Case Law service stakeholders.
Public attitudes / opinion research	Public attitude or opinion research uses surveys, interviews and other methods to understand the views, attitudes or opinions of the public on a given topic, or in relation to particular policy proposals and changes. **Public opinion research asks:** To what extent are the public supportive or concerned about a general policy idea? MOJ and HMCTS regularly commission public attitudes research, although we could not locate any prior exercises focussed on justice data. The Centre for Digital Ethics and AI commission a tracker survey on public attitudes to data and AI, which provides general headlines on public attitudes towards public data governance.
Deliberative engagement	Deliberative engagement exercises generally bring together a mini-public (a broadly representative group of members of the public), and combine expert input, facilitated process, and time for discussion, to allow exploration of complex or contentious issues. This can be used to shape recommendations and decisions, or to develop a more nuanced understanding of public opinions. Deliberative models include public dialogue, citizens juries and citizens assemblies. **Deliberative engagement asks:** What considered opinions do members of the public have on the details of a policy proposal? The Justice Data Matters project on court data combined polling and public dialogue methods, and is, to our knowledge, the first substantial dialogue to look at justice data governance in the UK.

Insights from other fields

The polling and public dialogue approaches used in Justice Data Matters are just two options from a broad public participation toolbox. The Connected by Data Case Database contains examples of data governance projects and practice that draw upon a wide variety of methods. This can be used to compare the approach taken in Justice Data Matters with other models for participatory data governance and to inform the design of future engagement activities.
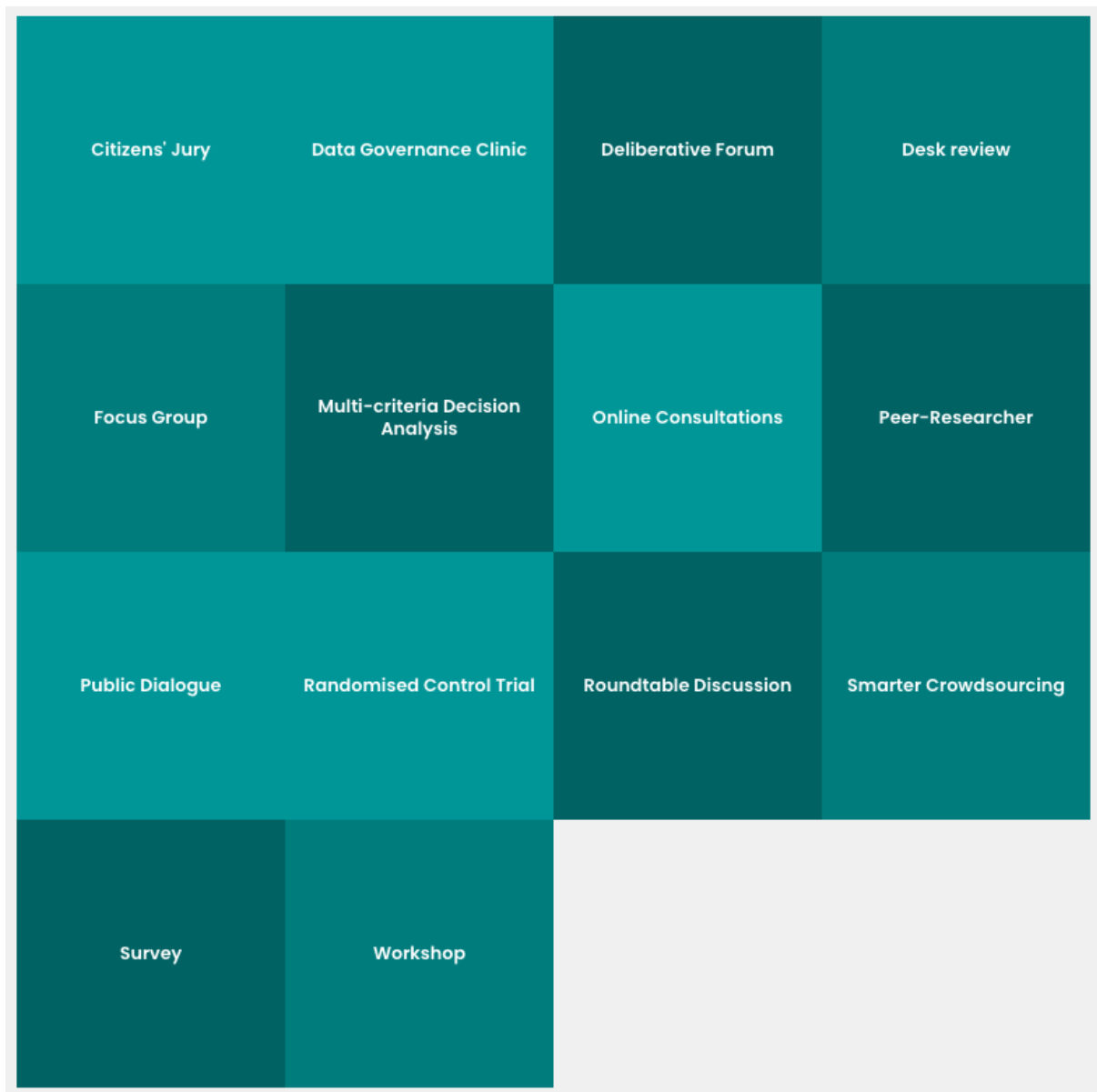

Image: Example of methods from the Connected by Data case database

Below we have selected six examples of projects and programmes that have sought to engage the public around the governance of data in a range of fields.

Each of the examples above include multiple components as part of an overall strategy for public engagements. Drawing on these, we can identify a (non-exhaustive) set of possible approaches to consider in future work, including:

- **Encouraging and supporting organisations requesting access to justice data to carry out, and publish details of, focussed public engagement around the acceptability of their proposals** (and any modifications that may make the proposals more acceptable). This could be used to prototype and demonstrate ways in which the application process to SSDGP could more directly parallel the NHS Confidentiality Advisory Group (CAG) process of requiring evidence of public involvement, as well as to build shared understanding of the kinds of specific data re-use issues that are a cause of public concern.

- **Recruiting one or more 'citizen advocates' to act as co-coordinators of a standing public panel on justice data governance.** This could build on the Mind Kind model which hired 'young advisors' (recruited from people with lived experience of mental health issues) into a formal project role, supported them to lead a broadly representative panel of people with lived experience and to feedback views to the project as a whole. Creating an ongoing panel provides opportunities for citizens to become more informed, expert and engaged over time. Having citizen advocates in a formal role can help to bridge panel views into decision-making spaces.

- **Holding a multi-stakeholder deliberative process to build stronger shared understanding and consensus on what counts as a public benefit use of justice data** . This responds to concerns raised by some interviewees that the meaning of public benefit was left under-defined in the outputs of the first Justice Data Matters dialogue. An approach building on the multi-stakeholder mini-public models of the New York Data Assembly, and the phased approach of the ADR UK engagement on public good uses of data, might include holding separate deliberative workshops with 'expert' justice system stakeholders, representative groups drawn from the public and civil society groups representing particular public stakeholders, before then bringing together a combined group to develop shared principles for determining public benefit.

- **Developing relationships with intermediary civil society stakeholders to bring the voice of people with lived experience of the justice system into data governance decision making or scrutiny**. This approach recognises that people affected by justice data are not always willing or able to directly represent themselves in governance discussions, and that there are organisations that may exist to speak on their behalf. For example, the [LEDS/HOB Open Space on Policing Data](#) focusses on engaging civil society organisations, and allowing civil society organisations to shape the list of issues to be addressed through a series of workshops and discussions. In relation to justice data, building awareness amongst victims, offenders, family court stakeholders, and other groups with lived experience of the court system of data governance issues may help to develop greater sustained demand for public engagement in, and oversight of, justice data sharing and re-use.

There may also be value in exploring use of citizen jury models, such as that deployed in the [Foundations of Fairness: NHS Data Sharing](#) project, as an approach that is more legible to certain justice system stakeholders.

Case	Description
[NHS Confidentiality Advisory Group](#)	The NHS Confidentiality Advisory Group operates on a legislative basis and considers applications to access confidential patient information without explicit patient consent under the NHS Act 2006 and the Health Service (Control of Patient Information Regulations) 2002. It has both expert (medical professional) and lay members, recruited through an open application process. The role of expert and lay members of the committee are the same.
	Applications to the CAG are expected to show evidence of public involvement carried out by those applying for access to data that *"specifically tests the acceptability of using confidential patient information without consent for the purpose of your activity"*.
	CAG membership and minutes are published on the HRA website.
	What's changed? Cross et. al (2020) examined feedback provided by the CAG in relation to a number of applications, and found evidence that significant focus was put on checking that incoming applications provided evidence of meaningful (non-tokenistic) patient and public involvement (PPI). In the cases they examined, the CAG explicitly asked for evidence that representatives of affected communities were included in PPI activities. While not detailed evaluation of CAG impacts has been carried out, this is

Case	Description
	likely to have contributed to stronger PPI in CAG approved projects.
Mind Kind	The two-year MindKind project, funded by Wellcome Trust and run by Sage Bionetworks, put the voice of young people with lived experience of mental health challenges at the heart of work to design and test the feasibility of a Global Mental Health Databank. Working across three countries, the project involved employed youth advisors in each country, national and global young people's advisory panels with decision making power, deliberative workshops provided with detailed background information, and a randomised control trial to explore attitudes towards different models for governing collection and sharing of sensitive mental health data. **What's changed?** The results of this engagement were used to produce an assessment against four 'Go/No-go' criteria, resulting in a judgement that the project was viable against 'data governance and ethics' and 'data specification and structure' criteria, uncertain against criteria on engagement levels, and raising a 'Stop' flag against 'funding sustainability' due to concerns about commercialisation of young people's mental health data. Findings were also written up as a 'data governance specification' to be used in the design of any future stages of the databank development.
ADR UK research on public good uses of data for research and statistics	Administrative Data Research UK carried out four deliberative one-day workshops around the country in June 2022 to explore what the public perceive as 'public good' (or 'public interest') uses of data. A follow up workshop brought together 10 participants from these earlier workshops, to review and validate analysis of the first workshops, address questions raised by the Project Advisory Group, and explore practical application of the views raised to inform practical guidance. The project concluded with five themes: public involvement; real-world needs; clear communication; minimising harm; and best practice safeguarding. **What's changed?** At the time of writing we do not have evidence on how these findings have been taken forward. However, particular efforts were made through the Project Advisory Group, and ADR UK Public Engagement Steering Group to ensure a

Case	Description
	range of organisations were prepared to pay attention to the findings.
LEDS/HOB Open Space on Policing Data	The Home Office worked with Involve, a trusted independent public participation charity, to organise an ongoing 'Open Space' forum to engage civil society organisations in discussions around the integration of formerly disparate policing datasets and the development of biometric data analysis capabilities. The process allowed civil society a role in setting the agenda for discussions, which then took place through a series of workshop-style meetings. In this case, engagement around a complex and controversial topic has been managed through a structured and predominantly closed-door process involving civil society organisations. Parallel public consultations took place on specific issues. **What's changed?** The first annual report of the LEDS/HOB Open Space states that changes were made to the architecture for police database access to records from the Driver and Vehicle Licensing Agency (DVLA) as a result of discussions in the open space. Participation in the Open Space also appears to have supported one CSO, Privacy International, to pursue outside advocacy and to call for greater parliamentary scrutiny of the project.
Foundations of Fairness: NHS Data Sharing	Understanding Patient Data and NHS England in association with the Ada Lovelace Institute, commissioned Hopkins Van Mil to carry out a mixed-methods public engagement process exploring the question: 'What constitutes a fair partnership between the NHS and researchers, charities and industry on the uses of NHS patients' data and NHS operational data?'. With input from an Oversight Group, the process consisted of three roundtable discussions with patient advocacy groups used to develop materials and refine research questions, followed by three non-residential weekend long citizens' jury events in Taunton, Leeds and London to develop recommendations. Recommendations were synthesised by the project team, and further validated through a 2000 person nationally representative online survey. Each jury event had an average of 18 participants, and they received in-person and filmed expert presentations, before deliberating on how data sharing partnerships should operate.

Case	Description
	What's changed? The project funders concluded that "It is now for the UK government and NHS X to take action" with project findings. The project's final report was used amongst the inputs to the National Data Guardian's 2022 guidance on "[Evaluating public benefit when health and adult social care data is used for purposes beyond individual care](#)".
[New York Data Assembly](#)	The Data Assembly hosted discussions with three 'mini-publics', each representing different stakeholder groups (data holders and policy makers; rights groups and advocacy organisations; and citizens). The first two groups met via online meeting, to discuss a range of data re-use scenarios. The citizen group was engaged through an asynchronous online platform that invited responses to key questions, and encouraged engagement with responses from other citizens. The organisers synthesised findings into a Responsible Data Re-use Framework, designed to inform both the work of policymakers and data holders, and to inform the development of data literacy programmes with partners from New York Public Library and Brooklyn Public Library. This was presented at an online townhall meeting. **What's changed?** No evaluation of the Data Assembly is currently available.

Analysis, options and recommendations

This section summarises lessons learned on how to approach future public deliberation about data in the justice sector and sets out a number of options to build on findings from Justice Data Matters through future exercises.

Build receptiveness

There is significant work to be done to build the receptiveness of the justice system to public involvement in data governance.

There is willingness, though not enthusiasm, amongst key stakeholders to hear outputs from future participatory exercises. There are a variety of reasons why stakeholders lack receptiveness and approaches to addressing it:

- Not all stakeholders have accepted the case for more robust governance of justice data sharing, in part because they don't see evidence of risks if it is lacking. This might need to be addressed through 'outsider' strategies that can emphasise the risks of not securing a strong public mandate for court data sharing. For example, this might draw on a journalistic approach and involve sharing stories that illustrate the impacts of having data governance decisions not aligned with public opinion and interests – whether on justice outcomes or on the reputation of organisations and individuals associated with those decisions.

- Some stakeholders may ask for evidence that public participation in data governance improves outcomes, such as: a decrease in risks and harms from the collection, sharing and use of data; an increase in public trust; or a greater willingness to adopt innovative products. This is currently lacking in part due to the immaturity of the field. In their report, [What Works? Developing a global evidence base for public engagement](#), commissioned by the Wellcome Trust, Reema Patel and Stephen Yeo outline options for an evidence initiative to fill this gap but also highlight that there are varying forms of evidence, and that it is not always persuasive, even to those who demand it.

- Some stakeholders may become more receptive if public input directly addresses, and helps them to resolve, the dilemmas and problems they encounter. Enhancing the utility of public dialogue by providing timely

answers to pressing questions (through rapid consultation with a standing representative panel for example) may help to develop support for, and even new champions of, more sustained public engagement.

- Enthusiasm for public participation may also be enhanced through exposure to data governance practices in sectors where this is more the norm, such as in health. Hearing directly from leaders and practitioners in other sectors may create more of a sense that this is common, good practice amongst peers.

- Some stakeholders are quick to point out flaws in public deliberation methods (such as low numbers of participants, or poor representation) while being slow to recognise those same flaws in existing governance or decision-making approaches. Real world public participation is assessed as falling short of an unarticulated ideal state rather than being compared against the current state. Clearly describing the shortcomings of the current data governance model, and how some of these can be addressed through public participation, may be a way of avoiding the perfect being the enemy of the good.

- Many people are persuaded more by anecdote, personal connection, and argument rather than by scientific evidence. Creating more opportunities for stakeholders to hear directly from the public about why public deliberation matters and will make a difference to their lives may help to form an emotional response and capture hearts as well as minds.

There is a need for an influencing strategy to persuade relevant stakeholders that public participation exercises are worthwhile in the first place. Below, we also highlight the need for influencing strategies to be built into future deliberations, so that their findings change behaviour.

Shape future deliberation

Future deliberation exercises could address a range of aspects of justice data governance, from foundational principles of open justice in a digital age to specific decision making about data access.

Evaluation interviews suggested a range of areas where there are significant uncertainties and unresolved questions affecting justice data governance, and

where participatory practice may be deployed. Different engagement methods are suited to each.

Four potential areas for future work are outlined below:

1. **Foundations of open justice in a digital age**. While open justice is seen as a foundational principle for the courts, there is no clear consensus on how open justice principles should be interpreted in the online era. This is a complex issue to address and may be an appropriate focus for a national citizens assembly process, taking place over a number of months. Such a process would consider collection of, management of, and access to data, alongside other issues of court accessibility and publicity. The outputs of an assembly would be primarily addressed to political decision makers: and may be most effective if timed to coincide with wider debate or action on constitutional reform.

2. **Futures for justice data.** A number of interviewees pointed to the need to look at future technologies that might impact on justice data. Futures work is often speculative and can lack robust consideration of how different groups might be affected by technology design or implementation choices.

   Future-oriented co-design exercises, or participatory futures workshops could provide constructive critique of existing futures work, drawing on input from an informed deliberative mini-public. The outputs of such exercises would be most effectively addressed to existing producers or consumers of futures work, helping to inform the decisions they make about funding or regulation of emerging technologies.

3. **Design of digital and data services**, including the design of policies and procedures for data access. Given the Alpha nature of the [Find Case Law service](), there may be opportunities to carry out consultation, participatory design and participatory impact assessments around selected aspects of the service, such as the transparency of transactional licence applications and grants or the principles and processes used for monitoring licensed data use.

4. **Decisions about data access requests**. Although some interviewees explicitly rejected the idea of public representation on SSDGP or in making decisions about whether or not data should be shared, there is a

strong case both for further use of mini-publics, bringing together a demographically representative sample of citizens or affected communities, to articulate general principles on which such decisions should be made, and for piloting more direct ongoing involvement of these publics in making or reviewing specific data access decisions.

Based on available resources, and to have the best chance of giving the public and affected communities a powerful voice in justice data governance over the short term, we recommend that Justice Lab should identify strategic opportunities to advocate for (1), (2) and (3), but should focus direct energy and funding primarily on (4).

Embed an influencing strategy

Future activities should incorporate an embedded communications and influencing strategy, making sure that outcomes from deliberation reach intended audiences.

This could involve developing the Justice Data Matters 'brand', and within that, thinking about how to present the findings of different engagement exercises through a range of communications activities, including events, visuals, participant testimony/spokespeople and inviting key stakeholders to observe and engage in participatory forums.

Findings may need to be presented in multiple formats and multiple times before they 'cut through' and become a part of decision-makers discourse.

Develop background materials

Justice data is seen as a complex and poorly understood space, even by those who are involved in the justice system. Robust background materials play an important role in supporting dialogue and reassuring target audiences that the public are working from a reasonable understanding of tricky concepts.

Some interviewees raised concerns that concepts of open justice are, in general, poorly understood, and the project team noted challenges in identifying good case studies or presenting concise and clear descriptions of key concepts. This highlights the need for compelling resources that may help participants (and

policy-makers) to better understand and engage with complicated aspects of both the courts system and issues of individual record and bulk data access.

For example, resources such as the Spectrum of Identifiability (below), developed by Understanding Patient Data, provide a visual tool for introducing the concepts of de-personalised and anonymised data, and can help provide a reference point for participants during discussions.

Figure 3. Understanding Patient Data Spectrum of identifiability. Source: Understanding Patient Data

Drawing on concerns raised by stakeholders about areas the public may not fully understand, there would be value in materials that can:

- introduce the concept of open justice
- present the relationship between the concepts of court data, court records and court judgments
- illustrate the differences between current access regimes for different kinds of data, and different kinds of cases/courts
- explain the extent to which court records are digitised and archived, and the decision makers involved in this
- illustrate the difference between information that is: public but only accessible on request;, proactively published offline (court lists, for

example); proactively published online; published for *re-use*; and provided in bulk

The next participative exercises backed by the Justice Lab could have a dual focus on addressing substantive data governance questions and piloting re-usable background materials for understanding justice data.

Forge participation pathways

There should be a range of opportunities for public participation in justice data governance through different forms of engagement and routes for participants to grow into more engaged roles.

Involving the public in justice data governance is not a matter of selecting a single engagement mode or method but rather a set of complementary approaches. No single method for public engagement is perfect. For example, surveys of the general public suffer from most participants being uninformed about the justice system but a single organisation training a small number of members of the public to participate in decision-making panels risks capture and tokenism.

Different kinds of decisions lend themselves to different forms of engagement with the public. For example, setting broad principles and policies around data access might be achieved best through a deliberative exercise such as a citizen's jury. Public participation in operational decisions about individual data access requests might be better supported through representatives on a decision-making panel.

The following table adapts the work on [Pathways to Participation](#) by Harry Shier, and illustrates the steps that could be taken, for example by the Shadow Senior Data Governance Board to incorporate public voice into its deliberations. Tim Davies has also discussed [pathways to participation in a data governance context](#) elsewhere.

Levels of participation / Openings	Opportunities	Obligations
The public are listened to *Are you ready to listen to the public?*	*Do you work in a way that enables you to listen to the public?* For example, is there **transparency** such that the public find out about the work going on around justice data? Are there **contact details** available for those who want to express an opinion?	*Is it a policy requirement that the public must be listened to?* For example, is it policy to publish the agenda and minutes of meetings of the SSDGP? Or data access requests? And to report on any queries or comments from the public?
The public are supported in expressing their views *Are you ready to support the public expressing their view?*	*Do you have a range of ideas and activities to help the public express their view?* For example, do you have a **research programme** that aims to surface public attitudes about a range of data governance questions? Or a **panel of public representatives** who are primed to respond to questions from the SSDGP? Are there data governance questions that go through an official **public consultation** process?	*Is it a policy requirement that the public must be supported in expressing their views?* For example, is there a requirement for public attitudes research to be carried out prior to data governance decisions being made? Is there a panel of representatives with a formalised role? Are there decisions where public consultations are required?
The public's views are taken into account *Are you ready to take the public's views into account?*	*Does your decision making process enable you to take the public's views into account?* For example, has the SSDGP come to an agreement that public attitudes to justice data governance is relevant to their decisions? When data access decisions are being made, is there a mechanism for the public voice to be heard during that decision-making?	*Is it a policy requirement that the public's views must be given due weight in decision making?* For example, is taking into account the public's views a requirement in the **Terms of Reference for the SSDGP** or a duty for its members?

Levels of participation / Openings	Opportunities	Obligations
The public are involved in decision-making processes *Are you ready to let the public join in your decision-making processes?*	*Is there a procedure that enables the public to join in decision-making processes?* For example, is there a process for making decisions about data access requests that includes a step of consultation with the public or a panel of representatives? Is there a process of review for any general principles underpinning data access that includes public consultation?	*Is it a policy requirement that the public must be involved in decision-making processes?* For example, is there a requirement for the SSDGP to include **lay members**?
The public share power and responsibility for decision making *Are you ready to share some of your power with the public?*	*Is there a procedure that enables the public to share power and responsibility for decisions?* For example, is the process for creating and reviewing justice data governance policies determined through (and not just informed by) **public deliberation** such as a citizen's jury?	*Is it a policy requirement that the public shares power and responsibility for decisions?* For example, is it a policy requirement for there to be equal numbers of lay members of the SSDGP, or that its chair must be a lay member?

Over time, Justice Lab may seek to develop pathways of participation that provide for a representative cohort of citizens to learn about, and deliberate in time-limited forums around, justice data issues. At the same time it would allow participants to opt-in to ongoing engagement such as public panels or an advisory group involved in shaping future dialogues. Such a cohort will need to be diverse and regularly renewed to ensure that participants are not "captured" through their interactions with other interests in the justice system.