

Policy Framework for the Regional Biometric Data Exchange Solution



The Bali Process

on People Smuggling, Trafficking in Persons and Related Transnational Crime



Part 3 : Terms of Reference for Oversight Committee

Attachment 2

Terms of Reference for Oversight Committee

REGIONAL BIOMETRIC DATA EXCHANGE SOLUTION OVERSIGHT COMMITTEE

TERMS OF REFERENCE

1. Background

The aim of the Regional Biometric Data Exchange Solution (RBDES) is to facilitate the exchange of biometric data between interested Bali Process members. The RBDES comprises of a technical system for exchange of biometric and biographical data (the System) and a policy framework to regulate the use of the System (the Framework). The Framework consists of a Terms of Use and Associated Arrangements between each Participating Member.

It was agreed under the Framework that an Oversight Committee be established to oversee the operation and use of the Regional Biometric Data Exchange Solution on behalf of the Bali Process members. The Oversight Committee's roles and responsibilities are broadly outlined in the Terms of Use and more specifically in this Terms of Reference.

2. Purpose

The purpose of the Oversight Committee is to:

- Govern the integrity and ongoing operation of the RBDES.
- Provide a forum through which the RBDES can be reviewed.
- Provide a mechanism through which breaches of the Framework can be addressed.
- Provide recommendations regarding any amendments to the RBDES.

3. Membership

The Oversight Committee will comprise of officials from 5 Bali Process members (on a two year rotational basis) and the RBDES Manager (who will not have voting rights). The Oversight Committee will be co-chaired by two Bali Process members on a two year rotational basis.

4. Role of the Oversight Committee

The Oversight Committee will:

- Hold regular meetings at least once a year.
- Review the operation of the RBDES.
- Review any communications, incident reports or any other reports from the System Administrator.
- Discuss any concerns, improvements, amendments to the RBDES.

The Oversight Committee may:

- Conduct, or engage third parties to conduct, audits of the RBDES.
- Consult with the Bali Process membership regarding any amendments to the RBDES.
- Make recommendations to the Bali Process Ad Hoc Group Senior Officials regarding any amendments to the RBDES.
- Receive written communications from any Oversight Committee member, any Bali Process member or observer of any alleged breach of the Framework, and report such breaches to the Bali Process Ad Hoc Group Senior Officials.
- Hold any ad-hoc or emergency meetings to discuss and consider any alleged breach of the Framework.
- Produce and disseminate written communications concerning any alleged breach of the Framework.
- Decide to suspend or cancel the participation of any Bali Process member in the RBDES in the event of a breach of the Framework.
- Give written directions to the RBDES Manager to take any specific appropriate temporary action until the Oversight Committee has decided on whether to suspend or cancel participation.

The co-chairs, with the administrative support of the RBDES Manager, will:

- Recommend meeting dates and locations;
- Identify meeting objectives, prepare agendas, and identify issues for consideration by the Oversight Committee;
- Inform Committee members of key developments;
- Take forward actions arising from meetings of the Oversight Committee; and
- Report on meetings and activities of the Oversight Committee through Bali Process mechanisms (as outlined below).

A co-chair, upon notification by any Bali Process member or observer of a breach of the Framework, may give written directions to the RBDES Manager to temporarily suspend participation in the RBDES by the Participating Member who is alleged to have committed the breach.

The RBDES Manager will report at meetings of the Oversight Committee on the usage and costs of the RBDES, on any breaches of the RBDES and on any recommendations for amendments to the RBDES.

5. Meetings

Subject to funding, the Oversight Committee will meet in person at least once a year. The Oversight Committee may also meet on an ad hoc or emergency basis for any reason. Ad hoc or emergency meetings may take place in person or by teleconference.

The Oversight Committee may also invite to its meetings as observers any delegates from Bali Process members and observers, or any other relevant third party.

Quorum is achieved when there is a majority of the Oversight Committee members present and there is at least one co-chair, 2 Oversight Committee members, and the RBDES Manager present.

Decisions will be made by consensus or agreement wherever possible. If this is not possible, decisions will be made by an absolute majority of the Oversight Committee members (at least 3 members).

6. Administration and reporting

The RBDES Manager, on behalf of the Oversight Committee, will write reports to the Bali Process Co-Chairs and the Bali Process Ad Hoc Group Senior Officials on the outcomes of any Oversight Committee meeting. The reports from the Oversight Committee may be made available through public statements, updates or the Bali Process website.

7. Budget

The RBDES Manager will determine arrangements for funding the Oversight Committee meetings and activities.



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