

Marion Oswald
VC Senior Fellow
Law
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Research interests

Marion's research focuses on the interaction between law and digital technology, and involves multi-disciplinary collaboration and doctrinal, empirical and conceptual methodologies. Building on her background as a practising lawyer within Government and technology companies, she has developed a particular specialism in the use of digital technologies and big data within policing and the wider public sector. She regularly writes, speaks and advises on the impacts of new technologies, and the legal, ethical and social issues raised by personal data sharing and the deployment of innovative technology in the public and private sectors, focusing upon administrative and public law and human rights issues. She has a particular interest in the use of information, Big Data and algorithms to solve public sector problems, and in the challenges to children's best interests raised by our digital society.

From July 2021, Marion is Specialist Adviser to the Justice and Home Affairs Committee advising the Lords Committee on its inquiry into technologies and the application of the law: <https://committees.parliament.uk/work/1272/new-technologies-and-the-application-of-the-law/>

Marion is an Associate Fellow of the Royal United Services Institute, Chair of the West Midlands Police and Crime Commissioner and West Midlands Police Data Ethics Committee, a member of the National Statistician's Data Ethics Committee, a member of the New Zealand Police independent advisory panel on emerging technologies, an executive member (and membership secretary) of the British and Irish Law, Education and Technology Association and a Board member of the UKRI Trustworthy Autonomous Systems Hub. She is a member of the Advisory Board to the Ada Lovelace Institute Ryder Review of the Governance of Biometric Technologies. She was joint law track chair of the Association of Computing Machinery Fairness, Accountability and Transparency (ACM FAT) Conference 2020 and a member of the Council of Europe Working Group of Experts on Artificial Intelligence and Criminal Law.

Marion is PI and Director of the AHRC-funded 'Observatory for the Monitoring of Data-Driven Approaches to Covid-19' (<https://www.omddac.org.uk/>).

Marion is Managing Editor of the Journal of Law, Technology and Trust, sits on the Editorial Board of the Journal of Cross-Disciplinary Research in Computational Law, and has guest edited the European Journal of Law and Technology. She is a Fellow of the Higher Education Academy.

Qualifications

Law, PhD

Award Date: 17 Dec 2020

Law, BA, Durham University

26 Jun 1991 → ...

Award Date: 26 Jun 1991

1 Sep 1994 → ... Solicitor (non-practising)

1 Sep 1992 → ... Member, Law Society

Cert(Mang)

Fellow of the Higher Education Academy. , FHEA

Research outputs

OMDDAC Snapshot Report 4: Survey of Public Perceptions of Data Sharing for COVID-19 related purposes

Oswald, M., Sutton, S., Li, G., Higgs, M. & Warner, M., 25 Aug 2021, London: OMDDAC. 19 p.

Observing Data-Driven Approaches to Covid-19: Reflections from a Distributed, Remote, Interdisciplinary Research Project

Allsopp, R., Bessant, C., Ditcham, K., Janjeva, A., Li, G., Oswald, M. & Warner, M., 17 Aug 2021, In: Journal of Legal Research Methodology. 1, 1, p. 3-25 23 p.

Response to the Law Commission Consultation on Reform of the Communications Offences

Tiarks, E. & Oswald, M., 21 Jul 2021, London: Crown. 3 p.

Not 'very English': On the Use of the Polygraph by the Penal System in England and Wales
Kotsoglou, K. & Oswald, M., 1 Jun 2021, In: *The Journal of Criminal Law*. 85, 3, p. 189-208 20 p.

OMDDAC Snapshot Report 1: Data-driven Public Policy

Allsopp, R., Bessant, C., Dawda, S., Emmett, C., Higgs, M., Janjeva, A., Li, G., Oswald, M., Sutton, S. & Warner, M., 18 May 2021, London: OMDDAC. 22 p.

OMDDAC Snapshot Report 2: Tech-driven approaches to Public Health

Dawda, S., Allsopp, R., Bessant, C., Emmett, C., Higgs, M., Janjeva, A., Oswald, M., Li, G., Sutton, S. & Warner, M., 18 May 2021, London: OMDDAC. 22 p.

OMDDAC Snapshot Report 3: Policing and Public Safety

Janjeva, A., Allsopp, R., Bessant, C., Dawda, S., Emmett, C., Higgs, M., Li, G., Oswald, M., Sutton, S. & Warner, M., 18 May 2021, London: OMDDAC. 19 p.

Machine learning predictive algorithms and the policing of future crimes: governance and oversight

Babuta, A. & Oswald, M., 26 Feb 2021, *Predictive Policing and Artificial Intelligence*. McDaniel, J. L. M. & Pease, K. (eds.). 1st ed. London: Taylor & Francis, p. 214-236 23 p.

Are lie detector tests for terrorists really a good idea?

Kotsoglou, K. & Oswald, M., 24 Feb 2021, *The Spectator*.

The COVID-19 contact tracing app in England and "experimental proportionality"

Oswald, M. & Grace, J., Jan 2021, In: *Public Law*. 2021, Jan, p. 27-37

Submission to the Independent Review of Administrative Law

Grace, J. & Oswald, M., 9 Oct 2020, (Accepted/In press) 7 p. London : HM Government.

Sharenting in a socially distanced world

Bessant, C., Oswald, M. & Nottingham, E., 12 Aug 2020, LSE.

Counter-Terrorism and Sentencing Bill 2020: Further written evidence submitted by Dr Kyriakos N. Kotsoglou, Senior Lecturer in Law (Criminal Evidence), Northumbria University, and Marion Oswald, Vice Chancellor's Senior Fellow in Law, Northumbria University (CTSB10)

Oswald, M. & Kotsoglou, K., 3 Jul 2020

Counter-Terrorism and Sentencing Bill 2019-21: Written Evidence: Dr Kyriakos N Kotsoglou, Senior Lecturer in Law (Criminal Evidence), Northumbria University and Marion Oswald, Vice Chancellor's Senior Fellow in Law, Northumbria University (CTSB01)

Kotsoglou, K. & Oswald, M., 26 Jun 2020, 6 p. London : Parliamentary Publications.

AI and national security: learn from the machine, but don't let it take decisions

Oswald, M., 13 May 2020, aboutintel.eu.

Towards a Trustworthy Coronavirus Contact Tracing App

Oswald, M., 4 May 2020, Royal United Services Institute Commentary.

Technologies in the twilight zone: Early lie detectors, machine learning and reformist legal realism

Oswald, M., 3 May 2020, In: *International Review of Law, Computers & Technology*. 34, 2, p. 214-231 18 p.

Artificial intelligence and UK national security: Policy considerations

Babuta, A., Oswald, M. & Janjeva, A., 27 Apr 2020, London: Royal United Services Institute. 57 p. (RUSI Occasional Paper)

Data analytics and algorithms in policing in England and Wales: Towards a new policy framework

Babuta, A. & Oswald, M., 23 Feb 2020, 62 p. (RUSI Occasional Paper)

Can an algorithmic system be a 'friend' to a police officer's discretion? ACM FAT 2020 translation tutorial

Oswald, M. & Powell, D., 27 Jan 2020, *FAT* '20: Proceedings of the 2020 Conference on Fairness, Accountability, and Transparency*. New York: ACM, p. 698 1 p.

The long arm of the algorithm? Automated Facial Recognition as evidence and trigger for police intervention

Kotsoglou, K. & Oswald, M., Jan 2020, In: *Forensic Science International: Synergy*. 2, p. 86-89 4 p.

Data Analytics and Algorithmic Bias in Policing

Oswald, M. & Babuta, A., 16 Sep 2019, London: Royal United Services Institute. 19 p.

Algorithm-assisted decision-making in the public sector: framing the issues using administrative law rules governing discretionary power

Oswald, M., 13 Sep 2018, In: *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences*. 376, 2128, p. 1-20

Machine Learning Algorithms and Police Decision-Making: Legal, Ethical and Regulatory Challenges

Babuta, A., Oswald, M. & Rinik, C., Sep 2018, London: Royal United Services Institute. 45 p. (Whitehall Reports; vol. 3, no. 18)

Algorithmic Risk Assessment Policing Models: Lessons from the Durham HART Model and 'Experimental' Proportionality

Oswald, M., Grace, J., Urwin, S. U. & Barnes, G., 3 Apr 2018, In: *Information and Communications Technology Law*. 27, 2, p. 223-250 28 p.

Jordan's dilemma: :Can large parties still be intimate? Redefining public, private and the misuse of the digital person

Oswald, M., Jan 2017, In: *Information and Communications Technology Law*. 26, 1, p. 6-31

The not-so-secret life of five-year-olds: legal and ethical issues relating to disclosure of information and the depiction of children on broadcast and social media.

Oswald, M., James, H. & Nottingham, E., 6 Dec 2016, In: *Journal of Media Law*. 8, 2, p. 198-228

Intelligence, policing and the use of algorithmic analysis: a freedom of information-based study.

Oswald, M. & Grace, J., 18 Oct 2016, In: *Information Rights, Policy & Practice*. 1, 1, 14 p.

'Being on our radar does not necessarily mean being under our microscope': The Regulation and Retention of Police Intelligence

Grace, J. & Oswald, M., 14 Apr 2016, In: *European Journal of Current Legal Issues*. 22, 1, p. 1-17

Share and share alike? An examination of trust, anonymisation and data sharing with particular reference to an exploratory research project investigating attitudes to sharing personal data with the public sector

Oswald, M., Dec 2014, In: *ScriptEd*. p. 245-272

Seek and Ye Shall Not Necessarily Find: The Google Spain Decision, the Surveillant on the Street and Privacy Vigilantism

Oswald, M., 2014, *Digital Enlightenment Yearbook 2014: Social Networks and Social Machines, Surveillance and Empowerment*. O'Hara, K., Nguyen, M-H. C. & Haynes, P. (eds.). Netherlands: IOS Press, p. 99-115 16 p.

Activities

House of Lords Justice and Home Affairs Committee (External organisation)

Marion Oswald (Chair)

2 Jul 2021 → ...

British and Irish Law, Education and Technology Association (External organisation)

Marion Oswald (Chair)

13 Apr 2021 → ...

Rights, Data & Modes of Justification in Response to COVID-19: Reflections from the First Year of the Pandemic

Marion Oswald (Chair) & Rachel Allsopp (Organiser)

23 Mar 2021

The polygraph in UK criminal justice: past, present and future

Marion Oswald (Organiser) & Kyriakos Kotsoglou (Organiser)

17 Mar 2021

New Zealand Police Expert Panel on Emergent Technologies (External organisation)

Marion Oswald (Chair)

1 Mar 2021 → 1 Mar 2023

Journal of Cross-disciplinary Research in Computational Law (Journal)

Marion Oswald (Member of editorial board)

12 Nov 2020 → ...

Journal of Law, Technology and Trust (Journal)

Marion Oswald (Editor in chief) & Claire Bessant (Editor in chief)

Jul 2020 → ...

BILETA 2020 online conference

Marion Oswald (Chair)

7 May 2020

Association of Computing Machinery Fairness Accountability and Transparency (ACM FAT) Conference 2020

Marion Oswald (Chair)

Sep 2019 → ...

European Journal of Law and Technology (Journal)

Marion Oswald (Editor)

Sep 2019 → Jul 2020

Council of Europe Committee on Crime Problems Working Group of Experts on Artificial Intelligence and Criminal Law (External organisation)

Marion Oswald (Member)

1 Mar 2019 → ...

West Midlands Police and Crime Commissioner and West Midlands Police Ethics Committee (External organisation)

Marion Oswald (Chair)

1 Jan 2019 → ...

National Statistician's Data Ethics Advisory Committee (External organisation)

Marion Oswald (Member)

1 Jun 2016 → ...

British and Irish Law, Education and Technology Association (External organisation)

Marion Oswald (Member)

1 Apr 2016 → ...

Prizes

Best Paper Award BILETA annual conference 2019

Oswald, Marion (Recipient), 16 Apr 2019

EJLT Prize for the 'Best Article – 2021'

Oswald, Marion (Recipient), 16 Apr 2021