

Management Board – for assurance

Meeting agenda title: ICO 25 – ‘Call for views’ survey responses

Meeting date: 3 October 2022

Time required: 10mins

Presenter: Jen Green

1. Reason for this report

- 1.1. This paper sets out the response to the ICO25 ‘Call for views’ consultation. Management Board are asked how the feedback outlined below should influence changes to the draft ICO25 plan?

2. Background and summary

- 2.1 The consultation on the ICO25 plan was launched on 14 July and ran until 22 September. While people were invited to share any views on the plan, we specifically encouraged comments about our purpose, objectives and performance measures.
- 2.2 There were 52 responses to the survey. The majority of respondents agreed with our articulated purpose, with our strategic enduring objectives, and with our proposed performance measures.
- 2.3 The responses to the survey came from a relatively even spread of our main stakeholders, with 25% from public authorities, 23% from private sector businesses, 21% from individuals commenting in a private capacity and 19% from the third sector.
- 2.4 The majority of respondents from each sector also agreed with or strongly agreed with our purpose, objectives, and performance measures. 6 of the 12 businesses that gave their views strongly agreed with our stated purpose. A large publishing business said: “Great to see. It is clear and well laid out. If this is the direction of travel, it is welcome news.”

3. Summary of survey responses

- 3.1. The survey received a total of 52 responses. There was no equivalent call for views to accompany the launch of the IRSP with which we might benchmark an expected response rate. As such,

1

Official Sensitive

there were no expectations regarding how many responses we would receive to this survey.

- 3.2. We heard however, that many of our stakeholders feel they have shared their comments through the initial listening tour. In general, the informal feedback has been extremely positive, with those that took part in the listening tour feeling they have been heard. For example, the British Retail Consortium reported their members, 'felt they had been listened and particularly liked the idea of regulatory certainty as they felt this would provide them with more opportunities to innovate and navigate risks'.
- 3.3. It may also be reasonable to infer from the response rate that there is nothing in ICO25 which is a source of particular sectoral concern or controversy.
- 3.4. We have identified a number of themes from the comments that were provided in response to each question in the survey and these may be of further interest.

Our purpose – survey results

- 3.5. We asked respondents to what extent they agreed or disagreed with our purpose, as articulated in ICO25.
- 3.6. 39 of 52 respondents (75%) either agreed or strongly agreed with our purpose. No one suggested an alternate purpose, but some did share their views as outlined below. The total results were:
 - Strongly agree: 10
 - Agree: 29
 - Neutral: 5
 - Disagree: 6
 - Strongly disagree: 2
- 3.7. Some we received positive feedback from businesses, public authorities, third sector bodies and individuals. One comment described it as "well balanced", another that it "made sense", and a

2

Official Sensitive

Official Sensitive

third that they agreed with the stated purpose, and that it reflected their own approach as a third sector body.

- 3.8. Commenters made supportive reference to the commitment to openness and transparency, to the benefits of highlighting good practice, and to the commitment to clear and relevant guidance from a regulator that engages with those it regulates.
- 3.9. Where concern was raised was in the suggested tension between our role as a protector of individual rights against our role supporting the needs of business and economic growth.
- 3.10. Seven comments made specific reference to this, with the essence of those comments being that ICO25 leans too far towards making things easier for business.
- 3.11. Two individuals commenting in a private capacity, and one public authority, referred to the term 'empower', with the essence of the comments being that we may wish to replace or supplement it with language that sounded tougher, making clear that we have enforcement powers we can use should we need to.

Strategic enduring objectives – survey results

- 3.12. We asked respondents to what extent they agreed or disagreed with the four strategic enduring objectives set out in ICO25.
- 3.13. 40 of 52 respondents (77%) agreed or strongly agreed with these objectives. The total results were:
 - Strongly agree: 9
 - Agree: 31
 - Neutral: 6
 - Disagree: 3
 - Strongly disagree: 3
- 3.14. We received a positive body of comments to this question, suggesting that the draft objectives are those our respondents would expect us to have.

Official Sensitive

- 3.15. Three businesses and one public authority made direct positive reference to the objective to empower responsible innovation and economic growth.
- 3.16. Two comments supported the openness and transparency agenda, and two welcomed the objective to safeguard and empower particularly the most vulnerable.
- 3.17. Two public authorities expressed their support for the revised approach to public sector fines and enforcement.
- 3.18. A significant proportion of comments, all from organisations, reinforced the message that engagement with the ICO was important to them. It was raised specifically by a large businesses, a third sector body and a number of public authorities.
- 3.19. As with the themes to the comments responding to our question regarding our purpose, the only negative theme arising across the relevant comments towards our objectives was on what some commenters see as the incompatibility of defending individual rights and supporting economic growth. Comments suggested that economic growth should not be our concern, or that we need to say more about the apparent conflict.
- 3.20. There were three comments that made specific suggestions for change to our objectives: A third-sector body proposed using explicit reference to specific types of incidents where we would use enforcement powers to address; a public authority asked if our commitment to provide timely information access responses to inspire the public sector to do the same would have the effect of placing unfair pressure on public authorities that did not have the same resources as the ICO; a member of the public suggested that ICO25 was missing language to recognise the historical failures in the lack of diversity and frame the narrative on why inclusion is so important.

Performance measures – survey results

3.21. We asked respondents to what extent they agreed or disagreed with how our performance will be measured.

3.22. 35 of 52 respondents (67%) agreed or strongly agreed with our proposed performance measures. The total results were:

- Strongly agree: 4
- Agree: 31
- Neutral: 9
- Disagree: 3
- Strongly disagree: 5

3.23. Our proposed performance measures received less support than our purpose and our strategic enduring objectives, but the majority of comments were still supportive. Three commenters described the measures as ambitious, with others commenting that the ICO would need effective resourcing if we were to meet them.

3.24. Three welcomed the commitment to publish things such as our training materials and recommendations made in our complaint handling work, as well as measures for our performances against complaint handling. Initiatives like the guidance pipeline and iAdvice were also considered positive.

3.25. Four comments touched on the lack of clarity on our current performance which made it difficult to judge the extent to which the proposed measures were achievable. Two comments made reference to wanting more effort to improve the consistency of advice given by ICO staff. This echoed a theme raised in the listening series survey.

3.26. Four comments suggested that six months to complete complaints was lengthy. Two small businesses suggested that the measures were not challenging enough, and that the timelines targets should be closer to the timelines we place on organisations with less resource than ourselves.

4. Next steps

4.1. The next steps for this work are to make any necessary changes to the plan and publish as follows:

- Publication of the ICO25 – Early November 22
- Ongoing development of the ICO25 change and transformation portfolio – through 22/23
- Development of our target operating model – to be complete by January 23

Author: Jen Green

Consultees: Paul Arnold, Insight and Intelligence.