

Information Rights Committee minutes

Tuesday 11 August 2015

Members and other attendees present

Anne Jones	Assistant Commissioner - Wales
Christopher Graham	Information Commissioner
David Smith	Deputy Commissioner, Director of Data Protection
Graham Smith	Deputy Commissioner, Director of Freedom of Information
Paul Arnold	Head of Customer and Business Services
Robert Parker	Head of Corporate Affairs
Simon Entwisle	Deputy Chief Executive Officer
Steve Eckersley	Head of Enforcement
Dawn Monaghan	Acting Head of Strategic Liaison
Neil Bostock	Corporate Governance Officer (Secretariat)

1. Introductions and apologies

- 1.1. Apologies were received from Andy Laing, Louise Byers, Steve Wood, Ken Macdonald and Jonathan Bamford. Dawn Monaghan attended the meeting in Jonathan's place.

2. Matters arising from the previous meeting

Minutes

- 2.1. No further comments were received on the minutes which had previously been approved by correspondence.

Action points

- 2.2. It was agreed that the outstanding action point relating to the impact of the new PECR threshold would be put back to the third quarter. All other outstanding actions formed part of the agenda and were cleared.

3. Areas for monitoring

Issue

- 3.1. The four specific areas the committee had agreed to monitor on a regular basis were considered.
- 3.2. **Effective use of civil monetary penalties (CMPs) –**
 - 3.2.1. There were no specific matters of concern in this area. However the ICO was waiting to hear the results of an appeal against the Optical Express enforcement notice.
- 3.3. **Data Sharing**
 - 3.3.1. There were no specific matters of concern in this area as the ICO waited for Government policies to take shape.
- 3.4. **Take down of search engine links**
 - 3.4.1. A preliminary enforcement notice had been issued to Google. They had taken down links relating to an individual's criminal record but had refused to take down further links to reports of the taking down of the original links which also revealed the individual's criminal record.
- 3.5. **NHS and other structural changes in the public sector**
 - 3.5.1. This area will continue to be monitored as decisions on further devolution are made.

4. Research on information rights in higher education.

Issue

- 4.1. The Policy Delivery department submitted a paper which looked at the feasibility of embedding information rights in the higher education curriculum.
- 4.2. IRC were asked to discuss the merits of this approach and, if agreement was reached, to approve the expenditure.

Decisions

- 4.3. The research project was approved at a cost of up to £15,000.
- 4.4. Steve Wood was asked to consider whether ;
 - There was also scope for including the 16-18 year old age bracket i.e. further education.
 - The project could be completed quickly so that , if the results of the feasibility study were positive, phase 2 could start before the end of the business year

5. Enforcement action in respect of non-compliance with subject access requests

Issue

- 5.1. Subject access is by far the largest concern raised by members of the public and there is a risk both to individuals' data

protection rights and to the ICO's reputation if we are not seen to act efficiently.

- 5.2. Steve Eckersley brought a paper to IRC on how best to exercise our powers in respect of subject access breaches.

Decisions

- 5.3. IRC agreed that a simplified recommendation report for referring straightforward cases of failed subject access for consideration of enforcement action be developed
- 5.4. Steve Eckersley and Robert Parker agreed to work on the engagement treatment so that staff are informed of this approach to enforcing individual rights by the end of September.

6. Progress review of Health and Social Care Priority Area Action Group (PAAG)

Issue

- 6.1. Dawn Monaghan gave an oral update on the work of the Health and Social Care PAAG.
- 6.2. The relevant Tasking and Coordination group was seen to be fulfilling the need to coordinate and prioritise work across the health sector and all teams had played their part.
- 6.3. IRC discussed the wider question of the role of the tasking and coordination groups and communicating their work.

Decisions

- 6.4. It was decided to disband the Health and Social Care PAAG.
- 6.5. The Strategic Tasking and Coordination Group was asked to report on its activities to IRC at six monthly intervals in line with the reports from the remaining PAAGs.

7. Data Protection Policy Conference and FOI Practitioners Conference 2015/16

Issue

- 7.1. Gemma Farmer joined the meeting to update the IRC on the proposed Data Protection Policy Conference and the proposed Freedom of Information Practitioners Conference.
- 7.2. The main question centred on whether, in light of the Government's recent announcement about the FOI commission, the FOI conference should proceed as planned.
- 7.3. The Commission is expected to report in November 2015 and therefore it was proposed that the conference takes place in March 2016 alongside the existing Data Protection Practitioners Conference.

Decisions

- 7.4. It was agreed to hold the FOI Practitioners Conference in March 2016 alongside the Data Protection Practitioners Conference.

8. Research

Issue

- 8.1. Members were asked for updates on current research projects and their budgets.
- 8.2. Many of the current research projects were still ongoing, including embedding information rights in higher and further education, and the impact of possible changes in the notification fee regime.
- 8.3. Research into free public access to wifi and the terms and conditions that support these services is nearly completed.

9. Key information rights developments

- 9.1. The Management Board information rights report was presented for information.
- 9.2. Christopher Graham commended the information rights report and explained that the non-executive directors in particular make good use of the report. It also provided a good source of material for presentations and follow ups.

10. Any other business

- 10.1. There was no other business.