

Rights for the Future

ICO plan 2016-2019

Final Version

22 February 2016

The Information Commissioner's Office (ICO) is the UK's independent authority supervising the legislation that upholds the rights of citizens and consumers in respect of information, whether safeguarding their personal information under the Data Protection Act or accessing official information under the Freedom of Information Act.

Introduction

Rights for the future



The Information Commissioner's Office's corporate plan for the next three years is designed to secure the rights of citizens and consumers in the digital world – and, in particular, to adapt to the new EU framework for data protection which will be implemented over the first two years of the plan. To secure information rights for the future the ICO itself needs to adapt to change.

Upholding the information rights of citizens and consumers was never more important – or more problematic – than it is today. The right to privacy and the right to know are both enabled and challenged by developments in digital services. And the work of the Information Commissioner, enforcing both data protection and freedom of information laws, is of ever growing relevance – but ever growing complexity too.

Introduction

The power of digital gives the consumer greater choice, but, at the same time, it also provides businesses with unprecedented amounts of personal information and detailed insights into how we live our lives. We entrust our data to commercial operations, often without even realising what we have done or the implications of having done it. Companies are not always as good as they should be about respecting that information, which all too often is seen as a business asset of increasing value. And it's not just commercial operators. Public authorities – government departments and agencies, local councils, the NHS – hold our personal information digitally and, increasingly, need to share it in order to deliver efficient, modern public services. But they do not always keep this data as securely as they should – or respect the limitations on its use set out in legislation. And there are fine judgements to be made about when the state should have access to personal information to combat crime or terrorism – the balance between respect for personal privacy and securing the safety and welfare of the community at large.

Similarly, digital communications give the citizen greater power to require public authorities to be more accountable. They also enable the authorities to publish more data about their operations and to be more transparent than was possible in an earlier age. Yet there remains a reluctance to publish information that may be embarrassing to organisations or individuals.

So, there is important work for the ICO to do, as the UK's referee of the operation of both the Data Protection Act and the Freedom of Information Act and their associated regulations.

But the legislation under which we operate is not fixed and immutable. The Freedom of Information Act has been undergoing review by Lord Burns's commission and the long-running review of the EU's data protection framework is almost complete. After four years of deliberation we now have the outlines of a new General Data Protection Regulation, together with an associated Directive on police and justice that will require full implementation from mid-2018.

It is the proposed changes to data protection laws that will have the most profound impact and the ICO is gearing up to lead the transition to the new framework – so that citizen and consumer rights can be secured more effectively in the future.

Introduction

The new data protection framework includes much that is familiar, but it also makes significant changes. If the ICO is to deliver its mission over the next three years and beyond, as well as enforcing the law as it currently stands, in the face of all the challenges technological developments present, we will also have to be fully prepared for the future regulatory environment – and help UK businesses and organisations similarly to adapt.

So, as we continue to apply the existing UK laws and discharge all our other responsibilities, the ICO will be embarking on a significant change programme. This process will be led by a dedicated change team, and will involve staff from all parts of the ICO. Our aim will be to make the transition as seamless as possible for all concerned. Our delivery objectives remain as relevant as ever and we will work hard to make sure that organisations understand both what their obligations are now and what they will be from 2018 - and that consumers and citizens are aware of their developing information rights. You will see that what the ICO needs to do to prepare for the new EU framework is a theme that runs through the entire corporate plan.

My second term as Information Commissioner ends on 28 June 2016 and, after seven exhilarating years at the ICO, I will pass the torch to my successor. No doubt a new Commissioner will have new ideas; but the plan set out over the following pages is designed to ensure that the ICO handles the change in leadership without needing to break step. The broader based, more collective, approach to leadership we put in place last autumn means that the Senior Management Team can continue to deliver an agile response to all the demands of the fast-moving environment in which the ICO finds itself – right and ready for the future, whatever challenges it holds; always able to respond quickly and flexibly to the imperatives of upholding information rights effectively.

Christopher Graham
Information Commissioner

Our goal, vision and mission

Mission

The ICO's mission is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

The ICO's goal is to achieve a society in which:

All organisations which collect and use personal information do so responsibly, securely and fairly.

All public authorities are open and transparent, providing people with access to official information as a matter of course.

People are aware of their information rights and are confident in using them.

People understand how their personal information is used and are able to take steps to protect themselves from its misuse.

Our vision

To be recognised by our stakeholders as the authoritative arbiter of information rights, delivering high-quality, relevant and timely outcomes, responsive and outward-looking in our approach, and with committed and high – performing staff – a model of good regulation and a great place to work and develop.

Our strategic outcomes

To fulfil our mission and vision and to achieve our goals we have identified the following ten strategic outcomes:

1. A high proportion of individuals with a basic awareness of their information rights, coupled with ready access to information on how to exercise those rights.
2. Development of people's understanding of information rights and risks embedded as an output of the formal education system.
3. Organisations routinely meeting their legal obligations in the way they respond to people exercising their rights.
4. A high level of awareness in organisations of all their wider obligations under information rights law with those obligations routinely met in practice.
5. Good information rights practice embedded into the culture and day-to-day processes of organisations and into emerging technologies and systems.
6. Good information rights practice and the upholding of information rights being demonstrably driven by ICO's casework and secured and underpinned by the use of ICO's regulatory tools.
7. Organisations and individuals aware of the ICO's investigatory and enforcement powers and the consequences of failing to meet the requirements of information rights law.
8. A legislative framework for information rights that is integrated and consistent, underpins good information rights practice, furthers the upholding of information rights and enables the ICO to be an effective regulator.
9. The law, technology and public policy developed and deployed consistently with ICO's goal, but without imposing disproportionate burdens on organisations.
10. The public confident in information rights law as necessary, serving the public interest, effective in practice and properly enforced.

Our 2016-2019 corporate objectives

The achievement of the above strategic outcomes is directly supported by the following corporate objectives. The rest of the ICO Plan details how we aim to meet these corporate objectives.

1. Organisations have a better understanding of their information rights obligations.
2. Enforcement powers are used proportionately to ensure improved information rights compliance.
3. Customers receive a proportionate, fair and efficient response to their information rights concerns.
4. Individuals are empowered to use their information rights.
5. The ICO is alert and responsive to changes which impact on information rights.
6. An efficient ICO well prepared for the future.

Key actions specifically relating to the implementation of the EU data protection reforms, expected mid-2018, are shown separately under the relevant corporate objectives. There will be other work being done across the office to implement the reforms and we will be reviewing this Plan regularly to ensure that it fully reflects what we need to do.

1. Organisations better understand their information rights obligations

No	How we will achieve this	Measures	Due dates
1.1	Advising data controllers on the implications of the EU data protection reforms ¹ and of the steps they should take to prepare for it.	<ul style="list-style-type: none"> • New guidance/check lists • Project plan developed by cross office project board/steering group • First cut of guidance roadmap 	<ul style="list-style-type: none"> • Implementation of the reforms expected by mid-2018. • Developed by end Q1 2016/17
1.2	Providing practical and helpful advice to organisations both by telephone and in writing; using staff committed to good customer service who are focussed on customer needs.	<ul style="list-style-type: none"> • Customer satisfaction over 90% • Answer at least 95% of calls with an average wait of no more than 60s • 90% of written enquiries answered in 14 days (80% within 7 days) 	Quarterly reporting
1.3	Providing digital services that help organisations find the information they need and which promote self-education and online transactional services.	<ul style="list-style-type: none"> • Website customer satisfaction 80% • 100% increase in traffic to the website from social media • 12 webinars 	Annually
1.4	Launching a privacy seals scheme to accredit good information rights practices.	Successful launch of the scheme	September 2016
1.5	Promoting good information rights practice through a programme of audits, advisory visits, workshops and the continuous development of the self-assessment tool for organisations.	<ul style="list-style-type: none"> • Surveys of those audited • Publication of audit and visit outcomes where appropriate • Further development of the self-assessment tool 	Ongoing

¹ The General Data Protection Regulation and the Data Protection Directive

1. Organisations better understand their information rights obligations

No	How we will achieve this	Measures	Due dates
1.6	Promoting the benefits of the information rights concepts of privacy by design, data minimisation, privacy impact assessments and accountability.	<ul style="list-style-type: none"> • Publication of DP² audit findings • Meeting objectives in plans³ 	<ul style="list-style-type: none"> • When appropriate • Progress against plans reviewed regularly
1.7	Considering how best to identify and act on opportunities to work with other organisations to extend the reach of our guidance; with particular reference to changes under the EU data protection reforms.	Meeting objectives in the Strategic Liaison Plan	Progress against plan reviewed regularly
1.8	Publishing more information about complaint outcomes to better inform organisations and individuals about what is being done to address common concerns.	<ul style="list-style-type: none"> • Outcomes published • Regular reports • Privacy issues alerts 	<ul style="list-style-type: none"> • As necessary • Quarterly • As necessary
1.9	Influencing and responding to relevant legislative proposals to ensure appropriate safeguards for citizens' information rights; working closely with Government on implementing legislation required under the EU data protection reforms.	<ul style="list-style-type: none"> • Mini-project plans for specific proposals • Scrutinise proposals and provide parliamentary evidence 	<ul style="list-style-type: none"> • Ongoing • Ongoing

² Data Protection

³ Departmental and team plans

1. Organisations better understand their information rights obligations

No	How we will achieve this	Measures	Due dates
1.10	Targeting areas of greatest information rights risk and focusing guidance and advice on these areas:		
a	Highlighting fundamental DP rights so that organisations ensure that individuals understand how their information will be used, can make informed choices about the use of their information and are able to access it to help secure their rights.	<ul style="list-style-type: none"> Revised Privacy Notices code issued Revised subject access codes of practice issued Ensuring enforcement policy is consistent with these objectives Action plan developed 	<ul style="list-style-type: none"> April 2016 April 2016 May 2016 June 2016
b	Providing guidance to major stakeholders on matters raising substantial information rights concerns.	<ul style="list-style-type: none"> Provision of guidance 	<ul style="list-style-type: none"> Ongoing
c	Promoting DP compliance in the SME ⁴ sector using a PAAG ⁵ to build sectoral knowledge and competencies.	<ul style="list-style-type: none"> SME PAAG report Meeting objectives in plans 	<ul style="list-style-type: none"> Half yearly at SMT⁶ Progress against plans reviewed regularly
d	Raising information rights awareness in Northern Ireland, Scotland and Wales in ways which recognise local context.	Meeting of objectives in the Northern Ireland, Scotland and Wales offices' plans.	Progress reviewed quarterly
1.11	Running two major conferences which provide practical assistance to DP & FOI practitioners respectively; and other conferences and events to promote understanding of the EU data protection reforms.	<ul style="list-style-type: none"> The two conferences held with positive feedback received Other conferences and events to be held as appropriate including regional events 	<ul style="list-style-type: none"> March 2017 As and when needed

⁴ Small and medium sized enterprises

⁵ Priority Area Action Group

⁶ Senior Management Team

2. Enforcement powers are used proportionately to ensure improved information rights compliance

No	How we will achieve this	Measures	Due dates
2.1	Considering the new enforcement powers available under the EU data protection reforms and how best they can be implemented and resourced.	<ul style="list-style-type: none"> Plans agreed to ensure effective enforcement can take place under the new enforcement powers 	<ul style="list-style-type: none"> Implementation of the reforms is expected by mid-2018
2.2	Continuing to improve the compliance of organisations under existing legislation by issuing CMPs ⁷ for serious breaches of the DP Act and PECR ⁸ .	<ul style="list-style-type: none"> Evaluating the effectiveness of changes made to the TCG⁹ process which leads to enforcement Number of CMPs issued Research on effectiveness of post-April 2015 PECR CMPs 	<ul style="list-style-type: none"> Quarterly reporting on outcomes Ongoing 2016/17
2.3	Investigating and prosecuting those who commit criminal offences under the DP and FOI ¹⁰ Acts, liaising with other investigative and prosecuting authorities as appropriate.	<ul style="list-style-type: none"> Initiatives with other regulators and prosecuting authorities Prosecute and administer cautions where appropriate No of convictions v prosecutions 	Quarterly reporting of outcomes
2.4	Using other DP enforcement powers effectively		
a	Using our enforcement notice power where there is significant risk to information rights and this is the most appropriate way of ensuring compliance.	<ul style="list-style-type: none"> Number of enforcement notices Number of appeals Number of successful appeals 	Half yearly progress report October 2017

⁷ Civil Monetary Penalty

⁸ Privacy and Electronic Communications Regulations

⁹ Tasking and Coordinating Group

¹⁰ Freedom of Information

2. Enforcement powers are used proportionately to ensure improved information rights compliance

No	How we will achieve this	Measures	Due dates
b	Obtaining formal undertakings when improvements to information rights practices are required and this is the best way of improving compliance; ensuring required actions are done.	<ul style="list-style-type: none"> Number of undertakings Quarterly public facing activity reports 	Half yearly progress report October 2017
2.5	Improving compliance by issuing CMPs for serious breaches of the PECR, in particular those relating to nuisance calls, SPAM texts and cookies, in a proportionate and effective way.	<ul style="list-style-type: none"> Number of CMPs and enforcement notices Report on compliance improvements Effectiveness of post-April 2015 CMPs researched Fewer complaints to TPS¹¹ and ICO about those we have acted against 	Half yearly progress report October 2017
2.6	Monitoring how quickly public authorities respond to FOI and EIR ¹² requests and addressing poor performance.	<ul style="list-style-type: none"> Publication of quarterly reports Report on the effectiveness of monitoring 	Reviews at the end of each monitoring period and report at end Q4 2016/17
2.7	Improving compliance with the FOI Act by taking enforcement action against organisation that fail to improve after the monitoring period.	<ul style="list-style-type: none"> Issuing enforcement notices Publication of quarterly reports Annual report on the effectiveness of monitoring 	Reviews at the end of each monitoring period and report at end Q4 2016/17

¹¹ Telephone Preference Service

¹² Environmental Information Regulations

2. Enforcement powers are used proportionately to ensure improved information rights compliance

No	How we will achieve this	Measures	Due dates
2.8	Monitoring how quickly data controllers respond to subject access requests; considering enforcement action where appropriate.	<ul style="list-style-type: none"> • Introduce/evaluate a monitoring process • Assess effectiveness of the process • Develop the code of practice 	End Q1 2016/17
2.9	Continue to make use of DP assessment notice powers and push for further powers where required.	Programme of public sector audits	Ongoing
2.10	Continue to make use of compulsory audit powers under PECR and DRIPA ¹³ .	Programme of PECR and DRIPA audits	Ongoing

¹³ Data Retention and Investigative Powers Act

3. Customers receive a proportionate, fair and efficient response to their information rights concerns

No	How we will achieve this	Measures	Due dates
3.1	Considering the new powers available under the EU data protection reforms, developing processes for addressing peoples' information rights concerns and how these processes should be resourced.	Processes in place for when needed	Implementation of the reforms is expected by mid-2018
3.2	Providing an efficient and timely DP complaints handling service that uses public concerns to identify areas of improvement in organisations.	<ul style="list-style-type: none"> To keep pace with intake; 90% of cases closed in 6 months Benchmark against other regulators Customer satisfaction survey 	Quarterly report
3.3	Responding to appeals against our FOI decision notices in a proportionate and efficient way.	<ul style="list-style-type: none"> Intake Output Live at first tier tribunal Live at second tier tribunal Live at upper tribunal Running total for external legal fees % of ICO appeals successfully defended 	Ongoing

4. Individuals are empowered to use their information rights

No	How we will achieve this	Measures	Due dates
4.1	Providing practical and helpful advice to the public both via the telephone and in writing; using staff committed to good customer service and focused on customer needs.	<ul style="list-style-type: none"> Public customer satisfaction over 90% Answer at least 95% of calls with an average wait of no more than 60s 	Quarterly reporting
4.2	Providing the public with advice about new threats to the security of their information (eg viruses) and the steps they can take to protect themselves.	Practical and timely advice published on the ICO website	Within three days of a threat emerging
4.3	Reviewing the nature of the advice we provide for individuals, and who it is directed at, to ensure we are as effective as possible in helping to protect and empower both adults and children.	Support to individuals PAAG report	Half yearly at SMT
4.4	To better understand public concerns about information rights by working with civil society and other groups which are representative of those affected by information rights issues and by using our own research.	<ul style="list-style-type: none"> 12 meetings with such groups Annual track research 	Progress against plans reviewed regularly
4.5	Setting up a citizen reference panel and using it to help inform our work.	Panel set up and running	End Q1 2016/17
4.6	Promoting to the public how transparency initiatives, proactive disclosure and publication schemes are useful in a democratic society.	<ul style="list-style-type: none"> Annual track research Press coverage Visits to "for the public" website pages Facebook followers 	Ongoing

4. Individuals are empowered to use their information rights

No	How we will achieve this	Measures	Due dates
4.7	Working with organisations, including those concerned with online child safety, to maximise the impact of guidance on how individuals can protect themselves against information rights risks.	<ul style="list-style-type: none"> • Engagement with relevant stakeholders • Number and nature of complaints and enquiries 	Progress against plans reviewed regularly
4.8	Extending the ICO's reach into all parts of the country and sections of society to achieve equality of access to information rights and our services.	<ul style="list-style-type: none"> • Regional press coverage • Search engine ranking • Annual track research • Number of presentations about protected characteristics • number of advisory visits to hard to reach groups • Number of people for whom we have made reasonable adjustments • Number of stakeholders consulted with and provided guidance to • Number of new communities or sections of society reached • Quarterly departmental returns on E&D¹⁴ activity 	Annually

¹⁴ Equality and Diversity

5. The ICO is alert and responsive to changes which impact on information rights

No	How we will achieve this	Measures	Due dates
5.1	Working with the DCMS ¹⁵ , Article 29 Working Party and others to help shape the EU data protection reforms so that they deliver practical and enforceable rights for citizens and relevant and proportionate obligations for businesses and the regulator.	<ul style="list-style-type: none"> • Input into the Article 29 Working Party • International Team's contribution to SMT and MB¹⁶ reports • Meeting objectives in the Policy Delivery Plan 	<ul style="list-style-type: none"> • Ongoing • Quarterly • Progress against plan reviewed regularly
5.2	Engaging with public policy initiatives across the board to make sure they reflect and respect information rights.	<ul style="list-style-type: none"> • Relevant consultations identified and responded to • Initiatives covered by plans 	<ul style="list-style-type: none"> • To timetable • Quarterly reports to SMT and MB
5.3	Engaging with transparency and Open Data initiatives to ensure a balanced information rights perspective and responding to specific legislative or good practice measures.	<ul style="list-style-type: none"> • ICO views reflected in what the Open Data Institute and other bodies do • Meeting objectives set in plans 	<ul style="list-style-type: none"> • Ongoing • Progress against plans reviewed regularly
5.4	Liaising with, providing evidence for and reporting as necessary to the Westminster Parliament, the Scottish Parliament and devolved assemblies.	<ul style="list-style-type: none"> • Identify threats and opportunities • Evidence submitted 	<ul style="list-style-type: none"> • To specific timetables

¹⁵ Department for Culture, Media and Sport

¹⁶ Management Board

5. The ICO is alert and responsive to changes which impact on information rights

No	How we will achieve this	Measures	Due dates
5.5	Working with the Scottish Information Commissioner to ensure a joined-up approach to information rights issues so far as is consistent with the independence and functions of the two offices.	Joint or jointly badged guidance and conference presentations	Regular meetings
5.6	Keeping alert, responding proportionately and using our powers and influence as appropriate to address the growth in surveillance and the need to reassess safeguards and oversight.	<ul style="list-style-type: none"> • Engagement with the Intelligence and Security Committee and other parliamentary related committees • Meeting objectives in the Strategic Liaison Plan 	<ul style="list-style-type: none"> • In accordance with committee timetables • Progress against plan reviewed regularly
5.7	Using our influence to shape the international information rights landscape in a way that is consistent with the sensible delivery of the information rights outcomes that the ICO is seeking. Ensuring that we play a lead role in developing the European Data Protection Board and are integral to its sub-groups.	<ul style="list-style-type: none"> • Participation in international fora • Instances where ICO intervention has made a positive difference 	As opportunities arise
5.8	Monitoring and responding to Tribunal and High Court Judgements which have a significant effect on information rights.	<ul style="list-style-type: none"> • Guidance on implications • Intervention policy implemented 	<ul style="list-style-type: none"> • Ongoing • June 2016

5. The ICO is alert and responsive to changes which impact on information rights

No	How we will achieve this	Measures	Due dates
5.9	Ensuring that data sharing develops in a way that respects information rights without DP being seen as a barrier to proportionate and beneficial data sharing.	<ul style="list-style-type: none"> • Engagement with those developing significant data sharing plans • Meeting objectives in plans 	<ul style="list-style-type: none"> • Dependent on opportunities and others' timetables • Progress against plans reviewed regularly
5.10	Continue to press government to commence legislation to scrap the "fine only" regime for the unlawful trade in personal information and to allow courts to consider penalties such as community service orders or prison in the most serious of cases, as the key measure needed to build confidence in digital developments.	Liaison with the DCMS and other relevant departments	Ongoing

6. An efficient ICO well prepared for the future

No	How we will achieve this	Measures	Due dates
6.1	Preparing for the EU data protection reforms; reviewing the skills and experience needed to undertake the roles required to implement the new regulation.	Review completed	To begin as soon as the reforms become law and to complete within six months
6.2	Working with DCMS to define funding arrangements that ensure long-term financial security for the ICO, taking into account the EU data protection reforms and focussing charges more on organisations which represent a bigger information rights risk.	Proposals agreed that meet ICO aims	September 2016
6.3	Managing the orderly change-over of senior leadership including the arrival of a new Commissioner in June 2016.	New senior leadership in post	Ongoing to 2017
6.4	Preparing for substantial other change involving: <ul style="list-style-type: none"> • FOI Act changes arising from the Burns Commission review • Developments in FOI and EIR legislation and case law • Additional statutory responsibilities 	Review developments and take appropriate steps	Ongoing

6. An efficient ICO well prepared for the future

No	How we will achieve this	Measures	Due dates
6.5	Delivering strategic IT and digital projects to increase the effectiveness of our case management and records management systems and increasing operational efficiency with new digital services replacing back office functions.	<ul style="list-style-type: none"> As reported in IT project schedules The Digital and IT Steering Group's reports to SMT 	<ul style="list-style-type: none"> To agreed timetable and standards Twice yearly
6.6	Building on current training and development so we can add value and deliver business outputs.	Evaluation of learning and development activity	Quarterly
6.7	Engaging with staff to ensure input into and understanding of the ICO's corporate evolution and the need to respond to change with agility.	Engagement measures in staff surveys	Q1 2016/17
6.8	Embedding diversity and our values so that they are an every day part of how we work and our decision making.	<ul style="list-style-type: none"> No of diversity focused initiatives with other bodies No of advisory business outputs from the E&D Committee No of E&D focused training days No of E&D concerns considered during procurement Evaluation of departmental E&D activity Staff survey 	Annually

6. An efficient ICO well prepared for the future

No	How we will achieve this	Measures	Due dates
6.9	Improving our own compliance with information rights legislation.		
a	Maintaining performance in responding to increased numbers of information requests.	95% of requests within statutory deadlines	Annual reporting
b	Identifying and acting upon opportunities to proactively disclose information	Analysis of requests and increased proactive disclosure	Annual reporting
c	Continuing to embed good information handling behaviours across the ICO.	Monitor the results of our refreshed awareness programme	Annual reporting
6.10	Having regard to the Regulators' Code when developing policies and operational procedures that guide the ICO's regulatory activities.	Finalise the biannual review of ICO practice against the Code and agree actions required to maintain compliance	May 2016
6.11	Monitoring the implications for the ICO of the Enterprise Bill as it goes through parliament, inputting when appropriate into discussion on the provisions and being prepared to comply when the Bill is enacted.	Assess the requirements of the Bill once enacted (what the ICO needs to do to comply), and formulate an action plan to ensure compliance	May 2016
6.12	Contributing to government targets on sustainability.	Per head year on year reduction in green-house gas emissions	Report on performance in Annual Report
6.13	Examining ways of charging for certain services to allow the ICO to provide services which aid compliance but which might not otherwise be affordable.	Approach agreed with DCMS	March 2017

We will support delivery of our corporate plan by living our values. We are:

- **Committed**

We care about upholding information rights.

- **Team workers**

We work together as one ICO team, sharing information and expertise.

- **Focused**

We give priority to activities that make the biggest contribution to achieving our mission.

- **Effective**

We work to produce high quality and timely outcomes.

- **A model of best practice**

We do not ask others to do what we are not prepared to do ourselves.

- **Alert**

We are alert to the views and needs of our stakeholders and to the potential impact of new developments.

- **Fair**

We treat everybody we deal with fairly and with integrity and respect. We are inclusive in our approach.

- **Always learning**

We are always learning and developing professionally.

