

Information Commissioner's Annual Report and Financial Statements 2015/16

Information Commissioner's Annual Report and Financial Statements 2015/16

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Our mission, goal and vision

Mission

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

Goal

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.

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.

The legislation we regulate

The **Data Protection Act 1998** (DPA) gives citizens important rights including the right to know what information is held about them and the right to correct information that is wrong. The DPA helps to protect the interests of individuals by obliging organisations to manage the personal information they hold in an appropriate way.

The **Freedom of Information Act 2000** (FOIA) gives people a general right of access to information held by most public authorities. Aimed at promoting a culture of openness and accountability across the public sector, it enables a better understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money.

The **Privacy and Electronic Communications Regulations 2003** (PECR) support the DPA by regulating the use of electronic communications for the purpose of unsolicited marketing to individuals and organisations, including the use of cookies.

The **Environmental Information Regulations 2004** (EIR) provide an additional means of access to environmental information. The Regulations cover more organisations than FOIA, including some private sector bodies, and have fewer exceptions.

The **Infrastructure for Spatial Information in the European Community Regulations 2009** (INSPIRE) gives the Information Commissioner enforcement powers in relation to the pro-active provision by public authorities of geographical or location based information.

The **Data Retention Regulations 2014** (DRR) provides the Information Commissioner with a limited supervisory role under the Data Retention and Investigatory Powers Act 2014 (DRIPA). The DRIPA and DRR impose duties on communications service providers around the retention of communications data for third party investigatory purposes where they have been issued with a notice from the Secretary of State. Under the DRR the Information Commissioner has a duty to audit the security, integrity and destruction of that retained data.

The **Re-use of Public Sector Information Regulations 2015** (RPSI) gives the public the right to request the re-use of public sector information. They also set out the rules as to how public sector bodies can charge for re-use and licence the information. The ICO deals with complaints about how public sector bodies have dealt with requests to re-use information.

Information Commissioner's foreword

This Annual Report, my last as Information Commissioner, describes a year of real achievement – delivering on our objectives, responding to new challenges, and preparing for big changes, particularly in the data protection and privacy field.

We have focused clearly on the goals we set out in our corporate plan – and I think we can fairly claim to be able to show real progress. For example, in the 12 months since a change in the rules on nuisance marketing made it easier for the Information Commissioner to impose monetary penalties, we were able to take effective action against more of the organisations behind millions of illegal calls, hitting them with fines totalling more than £2 million.

As well as working to deliver on our planned goals, the ICO has had to respond effectively to the unexpected. Big data breaches such as that at Talk Talk. Acting on newspaper allegations about charity fundraising methods that breached data protection and privacy law. Taking part in the debate on surveillance and security and the Investigatory Powers Bill. And, in its responses following the Schrems Judgment, with all the implications for transatlantic data flows, the ICO's influential counsel has helped to avert a meltdown. Much more over the following pages.

Applying FOIA remains an important aspect of the ICO's work and we engaged actively with the work of the Burns Commission, appointed to review the experience of the Act after 10 years in operation. We provided detailed and objective evidence and welcomed the conclusion of the independent review that, by and large, the legislation is working well.

As a leading member of the Article 29 Working Party of EU data protection authorities, the ICO has been preparing for the new data protection framework that takes effect across the EU from May 2018. However, we now need to consider the impact of the referendum on UK data protection regulation. It is very much the case that the UK has a history of providing legal protection to consumers around their personal data which precedes EU legislation by more than a decade, and goes beyond current EU requirements.

I am glad to say that the ICO has not been standing still in terms of how best to deliver our services. Like all public bodies we have had to find efficiencies. At the same time, we have found new ways of delivering for customers and stakeholders. We have delivered more opportunities for data controllers and data subjects to learn about rights and responsibilities – with improvements to our website, top marks for our helpline, more on-the-spot conferences, informative blogs, webinars, and our highly successful compliance toolkit for small and medium sized enterprises (SMEs).

Machinery of government changes following the General Election last year saw responsibility for the Whitehall sponsorship of the ICO shift from the Ministry of Justice (MOJ) to the Department for Culture Media and Sport (DCMS) with its responsibilities for all things digital. At the same time, policy responsibility for freedom of information moved from MOJ to the Cabinet Office. The sponsorship team moved from MOJ to DCMS and we are glad to be working alongside the same Whitehall people who understand information rights and what the independent ICO does. Changes that might have been disruptive have in fact gone well.

The credit for another year of high performance is shared by staff at every level of the organisation and I should like to thank everyone at the ICO for what they have done to contribute to this result.

As Commissioner, I have been supported and encouraged throughout by the members of my Management Board, both non-executive and executive colleagues. Andrew Hind left the Board on 31 August 2015 on his appointment as chair of the Fundraising Standards Board. David Smith retired after over 25 years at the ICO and Graham Smith was appointed to a role with the European Ombudsman in Brussels.

Losing the experience of two Deputy Commissioners at the very point at which the ICO needed to adapt for the demands of the new EU data protection framework was a challenge we met head on. I designated the ICO's Deputy Chief Executive Simon Entwisle as Deputy Commissioner and formed a Senior Management Team of departmental heads to carry forward the work of the former Executive Team and to ensure the smoothest possible handover to my successor.

There has been universal approval for the news that Elizabeth Denham, Information and Privacy Commissioner for British Columbia since 2010, is to be the new UK Information Commissioner, serving for the next five years. As Deputy Commissioner, Simon Entwisle is authorised to cover any brief vacancy between the end of my second term as Information Commissioner and the arrival of Elizabeth Denham in a very few weeks' time.

After seven exciting and eventful years as Information Commissioner, I am confident that I am handing to my successor an organisation that is in good shape and good heart – and ready for the changes and challenges ahead. It has been an honour and a privilege to serve in the role at such an interesting and demanding time for information rights. That the ICO has been able to point the way ahead while keeping on top of a growing and demanding caseload is to the credit of the expert and dedicated team which it has been my delight to lead and to represent.

Christopher Graham
23 June 2016

Our aims

The ICO has identified the following six objectives, achievement against which will enable us to achieve our strategic outcomes.

1. Organisations better understand 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.

Our year at a glance

April 2015

The law was changed to remove the requirement that we had to prove substantial damage or substantial distress before issuing civil monetary penalties for unsolicited direct marketing messages and telephone calls.

.....
We prosecuted Lismore Recruitment Ltd for failing to notify with the ICO, and a caution was given to an employee of China Bridge Group (UK) for a criminal breach of section 55 of the DPA.

May 2015

Following the loss of evidence in a sexual abuse case we issued a civil monetary penalty of £160,000 to South Wales Police.

June 2015

We issued enforcement notices against Money Help Marketing Ltd, Preferred Pensions LLP and Advanced VOIP Ltd to require future compliance with PECR.

.....
We issued a caution to a member of staff employed by Lloyds Banking Group for a criminal breach of section 55 of the DPA.

July 2015

The ICO took on responsibility for handling complaints under the RPSI Regulations.

August 2015

The Commissioner gave evidence to Sir Stuart Etherington's review of charity fundraising and the Public Administration and Constitutional Affairs Committee inquiry.

.....
We prosecuted Consumer Claims Solutions Ltd for failing to register with the ICO, and we issued a civil monetary penalty of £180,000 to the Money Shop after the loss of computer servers holding details of several thousand customers.

September 2015

We issued our largest (then) civil monetary penalty of £200,000, for automated marketing calls, against Home Energy and Lifestyle Management Ltd. They made over six million calls.

October 2015

Pharmacy 2U Ltd had to pay a civil monetary penalty of £130,000.

.....
To help the international coordination of enforcement activities we, and 10 other authorities, signed the Global Cross Border Enforcement Cooperation Arrangement.

November 2015

We issued our first caution for a criminal breach of section 56 of the DPA on enforced subject access. We also issued enforcement notices against Nuisance Call Blocker Ltd and Telecom Protection Service Ltd, as well as civil monetary penalties of £170,000.

The Crown Prosecution Service received a civil monetary penalty of £200,000 following the theft of laptops. Aston James Consulting was fined £1,430 for failing to comply with an enforcement notice.

December 2015

Telegraph Media Group Ltd was issued with a civil monetary penalty of £30,000 for sending unsolicited emails. We also issued Bloomsbury Patient Network a penalty of £250 for failing to protect the privacy of individuals.

We prosecuted two people under section 55 of the DPA for unlawfully obtaining personal data; one was fined £300 and the other £1,000.

January 2016

We launched our new data protection self-assessment tool for SMEs.

Commissioner gave evidence to the Joint Bill Committee considering the Investigatory Powers Bill and the Culture Media and Sport Committee for its inquiry into cyber security.

We prosecuted RFF Services (UK) for failing to comply with an enforcement notice; they were fined £200. And an individual was fined £1,000 for unlawfully obtaining and disclosing personal data.

February 2016

We published guidance on encryption and on how organisations should approach international transfers in light on the European Court of Justice ruling in the case of Schrems.

We issued our largest civil monetary penalty of £350,000 to ProDial Ltd, and one of £70,000 to Direct Security Marketing Ltd for a series of frightening automated calls sent in the middle of the night.

March 2016

We launched our microsite on the EU data protection reforms, setting out 12 key steps organisations should take now to prepare for the changes.

We held two successful conferences for over 1,000 data protection practitioners and freedom of information practitioners respectively, and hosted the International Enforcement Co-ordination conference.

Three more companies received civil monetary penalties taking the annual total for unsolicited marketing calls to nearly £2 million pounds. An individual was issued a civil monetary penalty of £5,000 for automated calls. I & K Prestige Food Ltd was prosecuted for failing to register with the ICO and was fined £200.

Key issues and risks

Risks are regularly refreshed by senior managers with a major review each spring. The risk register is also discussed at Management Board, Audit Committee and at quarterly meetings with the ICO's sponsoring department, DCMS.

The main risks identified during the 2015-16 year related to:

- uncertainty over income (both registration fee and grant in aid);
- removal of the duty to notify under the EU data protection reforms;
- staff engagement;
- implementation of information technology projects;
- political uncertainty;
- managing change (from the EU data protection reforms and changes in senior management); and
- identifying emerging information rights issues.

Given a three year financial settlement for grant in aid from the DCMS and increases in data protection registration fee income, many of the short term financial risks have been removed. Therefore the main areas of uncertainty for the future relate to:

- political uncertainty;
- managing change arising from the EU referendum result and from changes in ICO senior management; and
- being able to accurately identify emerging information rights issues.

Going concern

The accounts continue to be prepared on a going concern basis as a non-trading entity continuing to provide statutory public sector services.

Whilst there will be an impact on data protection regulation from the EU referendum result, the current data protection regulatory regime was to remain in place until EU data protection reforms were implemented in May 2018. This means that for the next financial year at least there are not expected to be any major changes in UK data protection regulation and the role of the ICO.

Grant in aid has already been included in the DCMS's estimate for 2016-17, and there is no reason to believe that future sponsorship and parliamentary approval will not be forthcoming.

Analysis: Introduction

Context

During 2015-16 the ICO took on responsibility for handling complaints under the RPSI regulations. There have been no other substantive changes to the ICO's duties and objectives during the year.

Achievement of the ICO's six aims is directly supported by actions detailed in the ICO Plan 2015-2018. Performance against the Plan is monitored quarterly by the Management Board. A report on performance is prepared by relevant managers, where possible based on statistics from our casework management system. Performance in other areas can be more subjective and is subject to challenge at Management Board.

Operational performance

This year saw an increase in data protection concerns brought to us with over 16,300 cases. We resolved more cases than ever before, closing over 15,700 during 2015-16 with over 90% of cases concluded within three months. In the majority of cases we have identified actions that we expect organisations to take.

Complaints about access to information from public authorities, primarily under FOIA, have also increased. We received over 5,100 complaints and closed 5,068 during the year. Over 70% of complaints resulted in a decision within three months and over 90% of cases were concluded within six months. We issued 1,376 decision notices; a record number. There were 275 appeals (including nine remittals) to the Information Tribunal. We dealt with 257 and successfully defended over 80% of our decisions.

Our Helpline received 204,700 calls during the year; a similar number to the previous year. Half of the calls were from the public and half from organisations we regulate with many of the latter calls from SMEs. 80% of calls related to data protection, 15% to PECR and 4% to freedom of information issues.

We conducted independent research to measure levels of satisfaction with the service. When asked how helpful the service was, 95% of callers described it as helpful or very helpful.

Nine out of ten enquiries were dealt with by our first point of contact with the caller. 5% of enquiries were sent to us in error.

Financial performance

Grant in aid

Freedom of information expenditure continued to be funded by grant in aid. The grant in aid for 2015-16 was £3,750k (2014-15: £3,700k).

No grant in aid was carried forward in 2015-16 (2014-15: nil).

Fees

Data protection activities are financed by fees collected from data controllers who have to notify their processing of personal data under the DPA. The annual fee is £35, unchanged from its introduction in 2000. It applies to charities and small organisations with fewer than 250 employees. In 2009 a higher fee of £500 was introduced for larger data controllers defined as those with an annual turnover of £25.9 million or more and employing more than 250 people. For public authorities employing more than 250 people the fee is also £500.

Fees collected in the year totalled £18,311k (2014-15: £17,519k); a 4.5% increase on the previous year. We identified sectors which were under represented on the register of data controllers and contacted organisations we thought ought to be registered. We also followed up lapsed registrations from data controllers in these same sectors. These initiatives led to between 2,750 to 3,000 additional data controllers joining the register during the year.

The ICO is allowed to carry forward into the following financial year such funds as are necessary to meet any liabilities arising in the preceding financial year, such as creditors. An amount of £1,742k (2014-15: £1,753k) has been carried forward into 2016-17, as was an additional amount of £158k (2015-16: £953k) as uncleared cash in transit which was not available for spend.

Annual expenditure

The total comprehensive expenditure for the year was £5,056k (2014-15: £3,896k).

Financial instruments

Details of our approach and exposure to financial risk are set out in note 8 to the financial statements.

Achievement against our aims:

1. Organisations better understand their information rights obligations

Monitoring and acting proactively

We monitored the direct marketing activities of 26 organisations. Over 80% showed an improvement in complaint volumes or compliance.

We also wrote to more than 60 organisations to remind them of their obligations under PECR in the use of cookies, and published a quarterly report on data security incidents that were reported to us.

Audits, advisory visits and workshops

We delivered:

- 35 audits providing advice and recommendations;
- 17 information risk reviews;
- 36 follow-up audits (checking recommendations are followed); and
- 77 advisory visits to SMEs.

We facilitated workshops for local medical councils, with over 1,000 attendees, and worked with parish councils and the Victims Services Alliance to promote good information rights practices.

The ICO also completed a number of audits it is required to do. This included auditing the Schengen Information System and the Home Office Technology – Police Live Services.

Focusing on specific sectors

We delivered a programme aimed at improving information governance in Ambulance Trusts including an audit, two advisory visits, online surveys and a “train the trainer” session run by the National Archives.

We worked closely with residential sales and letting agents, undertaking a series of visits and running an online survey with the National Association of Estate Agents and the Association of Residential Letting Agents. This work resulted in publication of a report in January 2016 which identified areas for improvement across the sector.

As well as working with established sectors we also focused on emerging issues in information rights, such as the move to integrated health and social care. This will continue to be an area we focus on.

We also made it clear to insurers that using subject access rights to obtain a person’s entire medical record was unacceptable. In some cases insurers need medical information to make decisions, but this has to be done in a way that respects individuals’ rights.

Focusing on specific issues

Both before the General Election in May 2015, and the EU referendum, we provided advice to political parties on data protection and electronic marketing rules relating to political campaigning. We also engaged with the Cabinet Office on individual electoral registration and the uses of the full and open electoral registers.

We provided advice to the Independent Inquiry into Child Sexual Abuse on data protection issues arising from the Inquiry's letter to more than 240 organisations, making it clear that the continued preservation of data was necessary and did not contravene the DPA.

Self-assessment toolkit

A major achievement has been the launch of the self-assessment tool kit in January. This online tool, aimed at SMEs, allows businesses easily to assess their compliance with data protection regulation. We will continue to develop this tool.

Guidance

We published a range of guidance to help organisations including:

- updated guidance on direct marketing;
- new guidance on the RPSI;
- refreshed guidance on FOIA and EIR; and
- interim guidance on international transfers following the Schrems judgment of the Court of Justice of the EU.

Helpline services

As the year drew to a close we introduced a new "live chat" service to our website to allow customers to chat with our helpline staff online. We are monitoring its usage and effectiveness.

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

PECR work

Following changes made in April 2015 to the threshold at which we could take action, we issued 17 civil monetary penalties under PECR totalling £1,985,000 to organisations pursuing a range of unlawful marketing activities; more penalties for nuisance calls than ever before.

Our enforcement work also included a penalty of £130,000 for a fair processing breach of the DPA after Pharmacy 2U Ltd sold details of over 20,000 customers to a list marketing company. This was the first time we had issued a civil monetary penalty for this type of breach.

Three mandatory fines were paid under PECR where communications service providers failed to report personal data breaches within the required timescales. We also served nine enforcement notices on a range of marketing organisations to ensure they followed the law.

In November 2015 we undertook a week of action with the Claims Management Regulator attending audits of several claims management companies, and writing to more than 1,000 lead generation companies to check their compliance with the law.

The right to be forgotten

We issued an enforcement notice to Google Inc. requiring it to remove nine search results about an individual under the right to be forgotten. Google Inc. removed the links from European versions of its search engine, however the Commissioner ruled that Google Inc. should also remove the links from all versions of its search engine that were accessible from within the UK. Google Inc. initially appealed this decision, but then agreed to remove the results. Additionally during the year we issued three preliminary enforcement notices about delisting which Google Inc. complied with.

Operation Spruce

Operation Spruce is a criminal investigation into alleged breaches of section 55 of the DPA by corporate clients believed responsible for tasking private investigators to unlawfully obtain personal data. The ICO launched the investigation in September 2013 following a referral from the National Crime Agency (NCA) after the conviction of four private investigators. The NCA continues to provide support. The first file was submitted for a decision on whether or not to prosecute in November 2015. Investigations into nine other clients are ongoing with further files expected to be submitted over the coming months.

Enforced subject access

Section 56 of the DPA relates to enforced subject access. This is where a third party gets information from an individual (in connection with prospective or current employment or for the provision of goods and services) by asking that individual to make a subject access request under the DPA. In March 2015 breaching section 56 became a criminal offence, and in November we finished our first criminal investigation which resulted in the ICO issuing a caution.

Other enforcement action

During the year the Daily Mail reported on the activities of some charities which suggested possible contraventions of both the DPA and PECR. We monitored three charities, the RNIB, Christian Aid and Greenpeace, for improvements. In two other cases we found no evidence of serious contraventions and we agreed best practice undertakings with the British Red Cross and Age International.

In respect of prosecutions we secured:

- eight section 17 prosecutions for non-notification offences;
- three section 47 prosecutions secured for failing to respond to an information notice; and
- three section 55 prosecutions for unlawfully obtaining data.

In addition three cautions were issued; two of these for section 55 offences and one for a section 56 offence.

Nuisance Call Blocker Ltd was fined £2,500 for failing to respond to an information notice we had issued during the course of an investigation into the company's compliance with PECR.

We issued a further four civil monetary penalties under the DPA totalling £550,250 to Bloomsbury Patient Network, The Crown Prosecution Service, The Money Shop and South Wales Police.

In addition to the enforcement notice issued to Google, we served six further enforcement notices to improve compliance with the DPA and one under the FOIA.

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

Data protection issues

More than 370 people sought our help after search engines refused to remove results about them under the right to be forgotten. About a third of these contacts related to criminal convictions. In a third of the cases we required the search engines to remove results. We have not required removal where search results relate to recent or serious convictions.

Under the DPA people can ask the police for their DNA, fingerprints and Police National Computer records to be deleted. We considered a complaint from an individual who had a request for deletion of an arrest record refused. As the record would remain until the individual was 100 years old we considered that the refusal was disproportionate. We are working with the police who have agreed to review retention periods for criminal records.

Improving practice in organisations

Examples where issues raised with us have resulted in improvements to information rights practice are:

- We worked closely with the London Borough of Southwark to improve their subject access request response times.
- City Islington College has introduced new internal guidance and a centralised tracker to ensure they deal with subject access requests within 40 days.
- The University of Glasgow sent a mass email which inadvertently shared personal information. They now train all staff on the DPA.
- A worker for Guide Dogs for the Blind Association left details of a donor on a park bench. The Association has now confirmed that they will give refresher training to all fundraising teams.

Other issues

- There were a large number of incidents reported to us about emergency contact information in schools. We will remind schools of the need to ensure that such information is kept secure.
- We saw a steady increase in concerns about CCTV, and in particular about audio recording. Our view is that audio should only be used in limited circumstances and we told a national haulage company to remove audio recording from 5,000 vehicles.
- We worked with the Pensions Ombudsman following concerns that their published decisions included personal data. This had been done to give transparency to their decision making. We helped the Ombudsman achieve a balance between privacy and transparency.

Freedom of information monitoring

This year we have taken a different approach to our monitoring of compliance with FOIA, taking greater account of intelligence arising from casework and making more use of our tasking and co-ordinating groups. This has resulted in increased informal monitoring and our giving more support to organisations to help them improve their performance.

We still undertake more formal monitoring, including of government departments, councils and a police force. In Northern Ireland we asked all departments to provide their latest freedom of information performance statistics. This allowed us to assess compliance and to identify long-outstanding requests in order to get them cleared. However, we did have to resort to our regulatory powers and in June served an enforcement notice on the Department of Finance and Personnel Northern Ireland, requiring it to respond to four significantly overdue requests.

We also continue to work closely with the Metropolitan Police Service, reviewing their progress against the performance improvement plan.

Appeals to the Information Tribunal

There were 275 appeals against ICO decisions to the Information Tribunal.

Cases of note included:

- In relation to local authority charges for information on property search forms, the Court of Justice of the European Union found that the staff time spent by a public authority answering individual requests could be included in a charge.
- The Supreme Court dismissed the Attorney General's appeal against the Court of Appeal's decision that his certificate vetoing disclosure of correspondence between the HRH Prince of Wales and government departments was unlawful.
- The Commissioner found that the Royal Household and the Sovereign are not public authorities for the purposes of EIR. The Upper Tribunal agreed.
- The Commissioner appealed the First-tier Tribunal's decision ordering him to disclose the names of some of the journalists who had instructed private investigators involved in the illegal trade of personal information. The First-tier Tribunal had found that this information was not exempt from disclosure under section 40(2) of FOIA. On appeal the Upper Tribunal found against the Commissioner and upheld the First-tier Tribunal's decision.

4. Individuals are empowered to use their information rights

Bulk subject access requests

We advised Her Majesty's Revenue and Customs and the Ministry of Defence about the importance of upholding information rights when dealing with high volumes of subject access requests. These requests related to compensation claims for health conditions.

Patient objections to use of their data

Patients were offered the opportunity to object to the Health and Social Care Information Centre (HSCIC) sharing their personal data with other organisations. This option was provided through household leaflet drops made during preparations to launch the Care.data programme (currently paused given concerns over the process).

Some patients told their GP that they objected to having their data shared. However, despite these objections data sharing has taken place. We have secured a legal undertaking from HSCIC to put measures in place to better respect patient objections.

National Data Guardian consent review

The Secretary of State for Health commissioned the National Data Guardian to review and produce a report detailing whether the NHS should offer patients an opt out from their data being used for purposes other than direct care. We took part in the review panel and helped ensure that any approach to consent complied with current and planned changes to data protection laws.

Alerting people to cyber threats

We have used blogs to highlight new and emerging technology issues, such as:

- how websites leak data; and
- the implications of the Ashley Maddison hack.

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

Global Privacy Enforcement Network Privacy Sweep

We jointly led the third Global Privacy Enforcement Network Privacy Sweep which saw 29 data protection regulators looking at 1,494 websites and apps targeted at children. We found that 67% of the sites and apps collected children's personal information, with only 31% having effective controls in place. We are following up this work with UK sites and apps.

Data sharing

We have participated in the Cabinet Office's data sharing open policy making process. This work resulted in a consultation on making better use of government data and legislative proposals for data sharing. We provided formal responses to government consultations on this, on proposed regulations relating to arrangements for individual electoral registration and on extending data gathering powers and improving tax transparency to tackle the hidden economy and tax avoidance.

Cyber security

Following the Talk Talk security breach the Culture, Media and Sport Parliamentary Committee held an inquiry into cyber security and the protection of personal data online. We provided written evidence and renewed our call for the option of custodial sentences for section 55 DPA offences. The Commissioner appeared before the Committee to give evidence.

Investigatory powers legislation

We provided evidence to the Joint Committee on the Draft Investigatory Powers Bill and have followed this up with written evidence to the Public Bill Committee.

The Commissioner's duties to audit the integrity, security and destruction of retained communications data under DRIPA are carried forward to the Bill. We have continued to express concerns about the Commissioner's statutory powers to undertake these duties (notably, the lack of powers to require co-operation from telecommunications operators whom we are required to audit); the methods for retaining communications data and the extent of access to internet connection records; access to bulk personal data datasets; the possible circumvention or disabling of encryption; and the relaxation of requirements on telecommunications operators to report data breaches to the ICO.

This last measure is aimed at reducing any dual reporting of security breaches, both to the new Investigatory Powers Commissioner and the ICO. The proposed legislative solution will call into question the UK's adherence with the current Privacy and Electronic Communications Directive and the new data protection framework.

We also provided a detailed business case to government explaining how communications data is vital to our own enforcement role.

Competition investigation remedies – switching supplier

We provided evidence to the Competition and Markets Authority during its investigations into the energy industry and retail banking. The proposed remedies included sending marketing to consumers and prompting them to change their supplier.

Tracking technological developments

We tracked technological developments with an impact on information rights and in the last year published new or updated guidance on:

- using encryption;
- safely removing personal data from information requests and datasets;
- IT security guidance for small business; and
- Wi-Fi location analytics.

We have also been active members of international forums on technology issues related to information rights such as:

- Article 29 Technology Subgroup (as Chair);
- International Working Group on Data Protection in Telecommunications; and
- the Internet Privacy Engineering Network.

International liaison

The ICO hosted the annual conference of the European Data Protection Authorities in May 2015. The theme was data protection in practice.

In March the ICO hosted the Annual International Enforcement Event. More than 30 delegates from over 20 authorities around the world participated in a series of workshops and discussion sessions to further practitioners' understanding of how to make international enforcement cooperation work in the privacy regulatory community.

6. An efficient ICO well prepared for the future

Inspection of the ICO

An inspection of the ICO by the Office of Surveillance Commissioners took place in December 2015. The inspection reported a satisfactory level of compliance within the ICO. We will be taking forward the recommendations made.

Electronic Identification and Trust Services (eIDAS) Regulations

We agreed with the Department for Business, Innovation and Skills to become the UK supervisory authority for the provision of trust services under these Regulations, subject to parliamentary approval.

Answering requests for information made to us

We received an increased number of requests for information made to us in our capacity as a data controller and public authority. We aim to deal with 95% of these requests within the statutory timescales which we managed to do this year. We also saw a small reduction in the number of times we were asked to review our decision. Where this happened our original decision was upheld in all cases.

A new look disclosure log was launched on our website in line with our commitment to proactively publish as much information as possible about our work.

Information technology

Increased mobile working capability was introduced for staff who are frequently out of the office. We also began three major work programmes to improve our core business applications, review and update our infrastructure and to introduce better communication systems.

European data protection reforms

In December 2015 the EU institutions reached political agreement on the texts of the General Data Protection Regulation and the Directive on Data Protection and Law Enforcement. The Regulation shall apply across the EU from 25 May 2018 and the Directive from 6 May 2018.

In January 2016 we ran a workshop on the reforms, seeking the views of stakeholders on the challenges of implementing the Regulation and Directive. Around 100 organisations attended. And in March 2016 we launched a microsite <https://ico.org.uk/for-organisations/data-protection-reform/> and a guidance document setting out 12 key steps organisations should take to prepare for the new data protection framework.

The impact of the results of the EU referendum on future work in this area will have to be considered.

Staffing

As of the 31 March 2016 the ICO had 442 staff (409 full time equivalents) with over 70 new staff having joined us during the year as the Commissioner's responsibilities have increased. We have re-organised how we work to ensure that we are able to meet the new demands placed upon us. This has created opportunities for existing staff as well as new.

Learning and development

We continue to ensure that our staff have the necessary training and development to deliver a first class service. In addition to our information rights training we have focused our training on investigatory skills, IT, audit and customer service.

Buildings and facilities

We provide a high quality safe and efficient working environment for our staff. And we have focused on making savings in, or getting service improvements from, our external contracts.

Payment of Suppliers

The ICO has adopted a policy on prompt payment of invoices which complies with the "Better Payment Practice Code" as recommended by government. In the year ended 31 March 2016 90.1% (2014-15: 97.1%) of invoices were paid within 30 days of receipt, or in the case of disputed invoices, within 30 days of the settlement of the dispute. The target percentage was 95%.

In October 2008 government made a commitment to speed up the public sector payment process. Public sector organisations should aim to pay suppliers wherever possible within 10 days, and to this end the ICO pays all approved invoices on a weekly cycle and has monitored payments against a 10 day target from 1 April 2009. For the year ended 31 March 2016 32.6% of payments were paid within 10 days (2014-15: 36.47%).

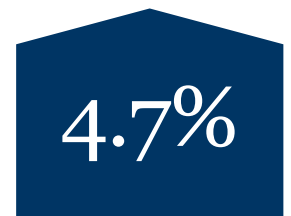
Operational performance

Data protection concerns

Received



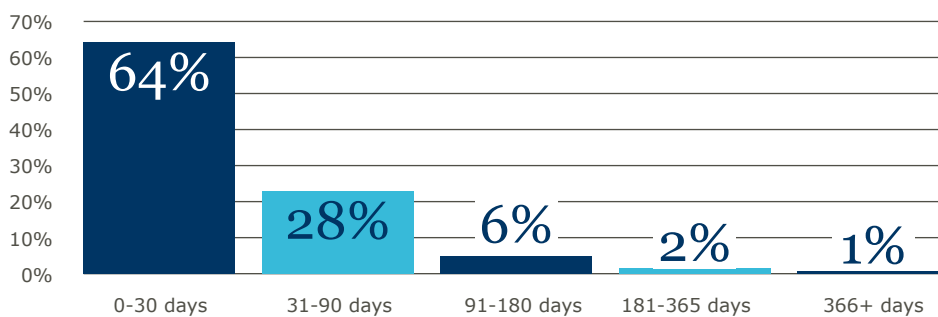
Finished



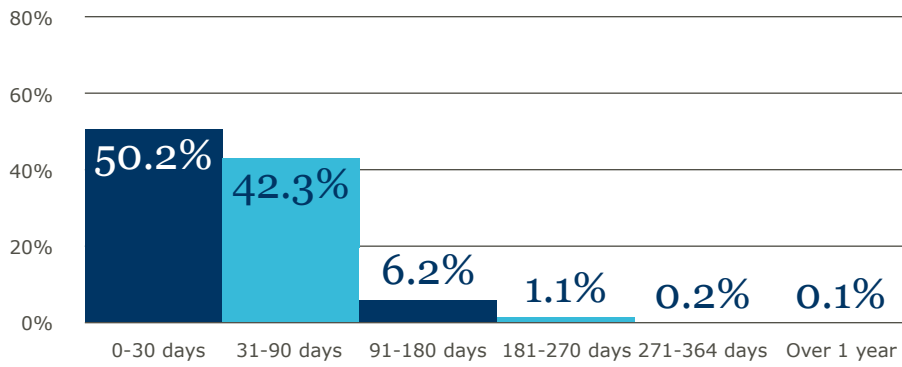
Caseload



Age distribution of caseload as at 31 March 2016

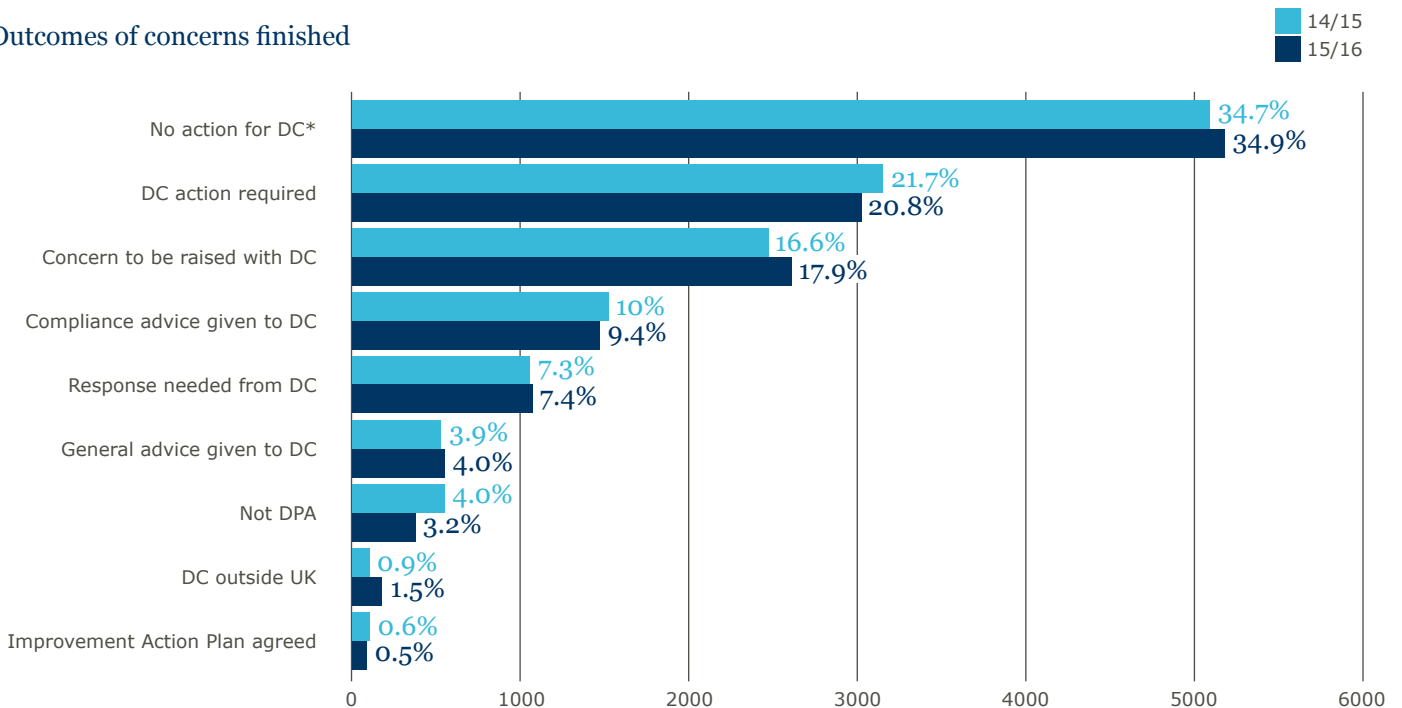


Age distribution of concerns finished



	2014/15	2015/16
30 days or less	73%	50%
90 days or less	91%	92%
180 days or less	98.5%	98.6%

Outcomes of concerns finished



*Data Controller

Concerns finished with the following outcomes — enforcement notice pursued, criminal investigation pursued, undertaking served and civil monetary penalty pursued represented 0.2% of the total.

Areas generating most concerns where sector is specified

	2014/15	2015/16
Health	10%	12%
General Business	10%	11%
Local Government	11%	10%
Lenders	12%	10%
Internet	4%	6%
Policing and Criminal	6%	5%
Central Government	5%	5%
Education	5%	5%
Telecoms	4%	5%
Retail	3%	3%

Reasons generating most concerns where nature is specified

	2014/15	2015/16
Subject access	46%	42%
Disclosure of data	18%	18%
Inaccurate data	14%	12%
Security	8%	9%
Right to prevent processing	4%	6%
Use of data	3%	4%
Fair processing	3%	3%
Retention of data	1%	2%
Obtaining data	1%	2%
Excessive / Irrelevant data	1%	1%

Freedom of information complaint casework

Received

2014/15	4,976
2015/16	5,181

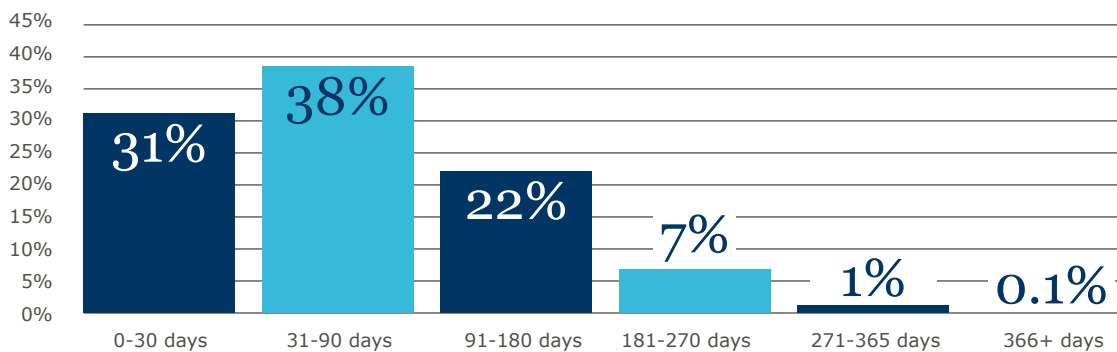
Finished

2014/15	5,071
2015/16	5,068

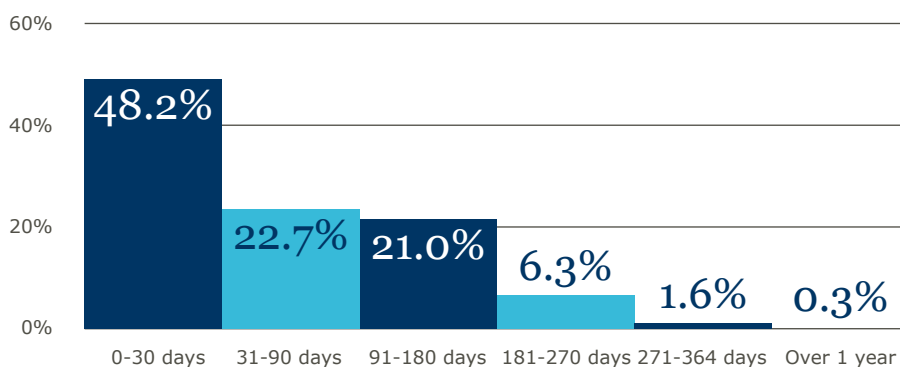
Caseload

823	31 March 2015
955	31 March 2016

Age distribution of caseload as at 31 March 2016



Age distribution of finished complaint casework



	2014/15	2015/16
30 days or less	56%	48%
90 days or less	73%	71%
180 days or less	91%	92%
365 days or less	99.4%	99.7%

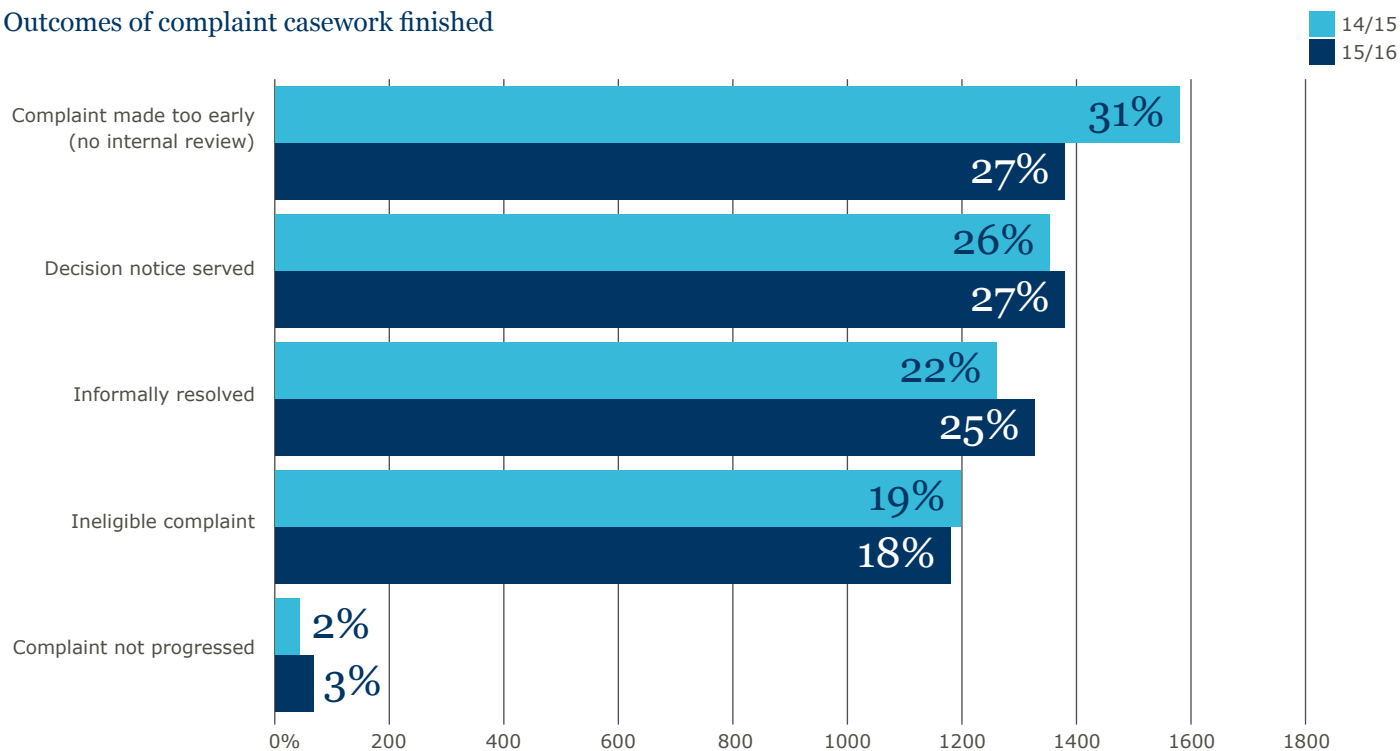
Areas generating most complaint casework where sector is specified

	2014/15	2015/16
Local Government	46%	40%
Central Government	18%	17%
Police & criminal justice	11%	16%
Health	9%	10%
Education	7%	7%
Private companies	0.5%	0.8%

Outcome of complaint casework where a decision notice is served

	2014/15	2015/16
Total served	1,305	1,376
Upheld	307 (24%)	330 (24%)
Not upheld	809 (62%)	851 (62%)
Partially upheld	189 (14%)	195 (14%)

Outcomes of complaint casework finished



Appeals to the Information Rights Tribunal

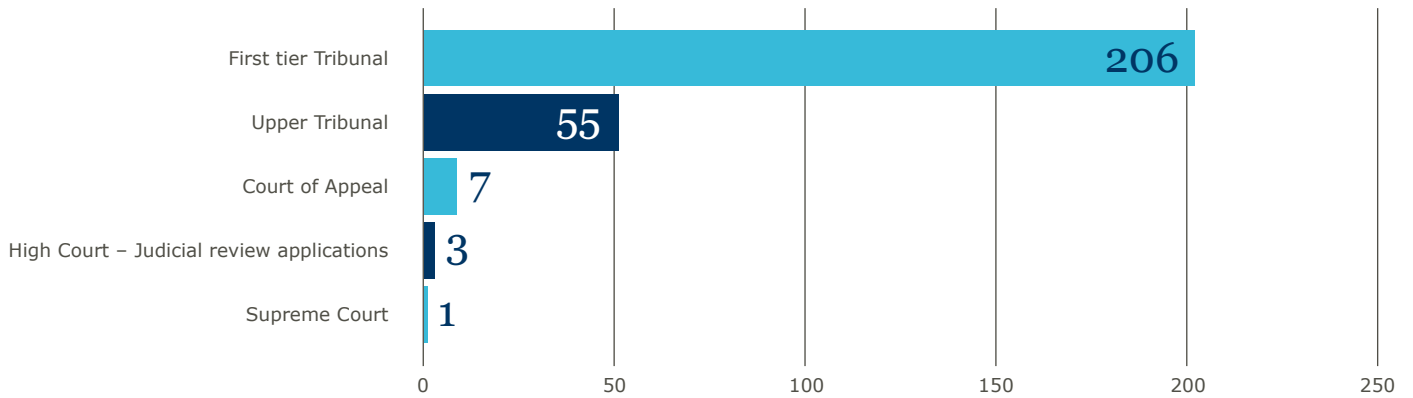
Received



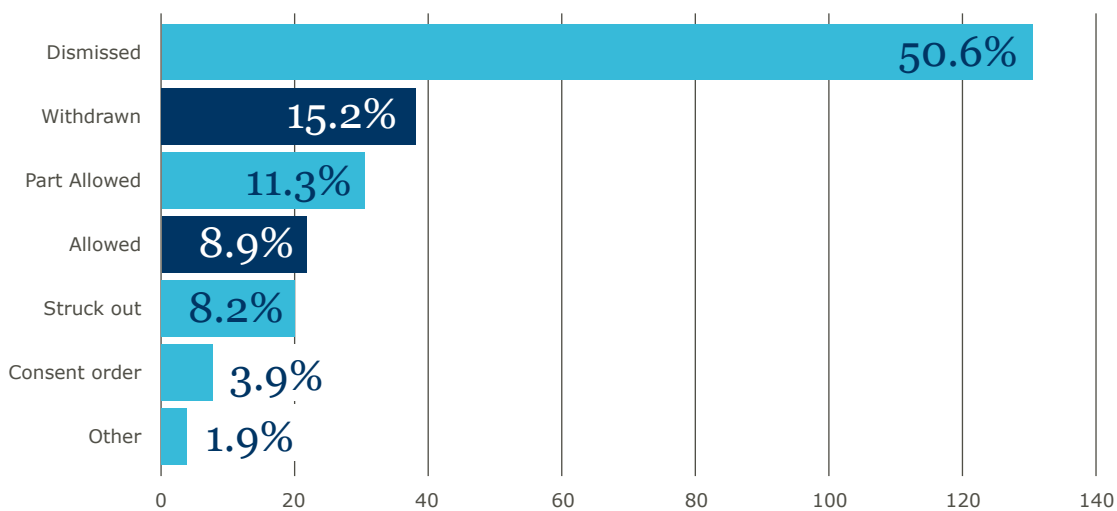
Finished



Open caseload as at 31 March 2016



Outcomes of Appeals finished in 2015/16



Advice services

Calls to the helpline

Calls received

2014/15	204,878
2015/16	204,700

Calls answered

2014/15	195,431
2015/16	194,728

Call answer rates

Percentage answered	95%
Average wait time	54 seconds

Written advice

Finished

2014/15	11,518
2015/16	12,475



Caseload

31 March 2015	84
31 March 2016	137

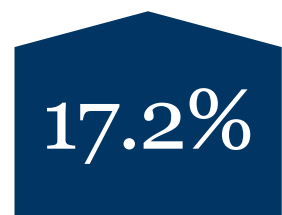
Age distribution of finished advice work

	2014/15	2015/16
7 days or less	72%	41%
14 days or less	97%	78%
30 days or less	99%	99%

Self reported incidents – data protection

Received

2014/15	1,666
2015/16	1,954

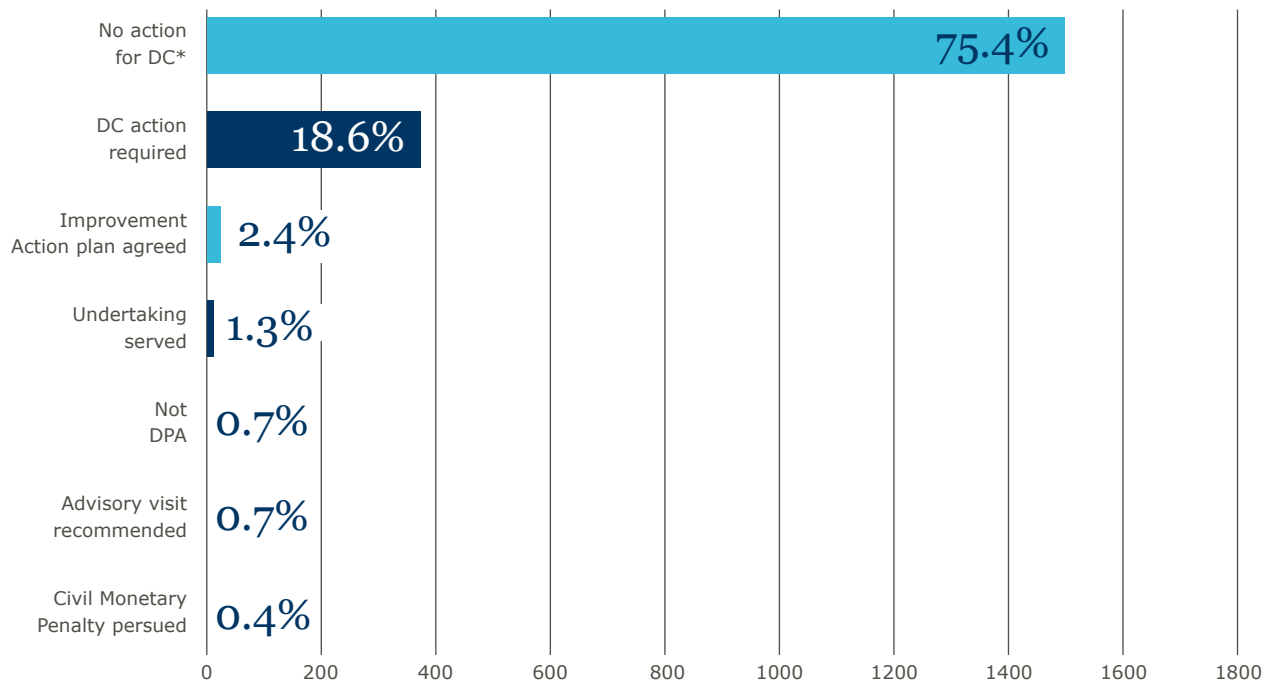


Finished

2014/15	1,080
2015/16	2,051



Outcomes of complaint casework finished



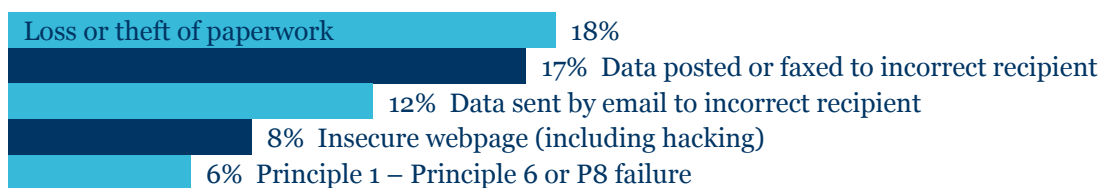
*Data Controller

Self reported incidents finished with the following outcomes – Compliance Audit recommended, Enforcement Notice pursued, DC outside UK and Criminal investigation pursued represented 0.5% of the total.

Sectors generating most self reported incidents



Types of incidents generating most reports



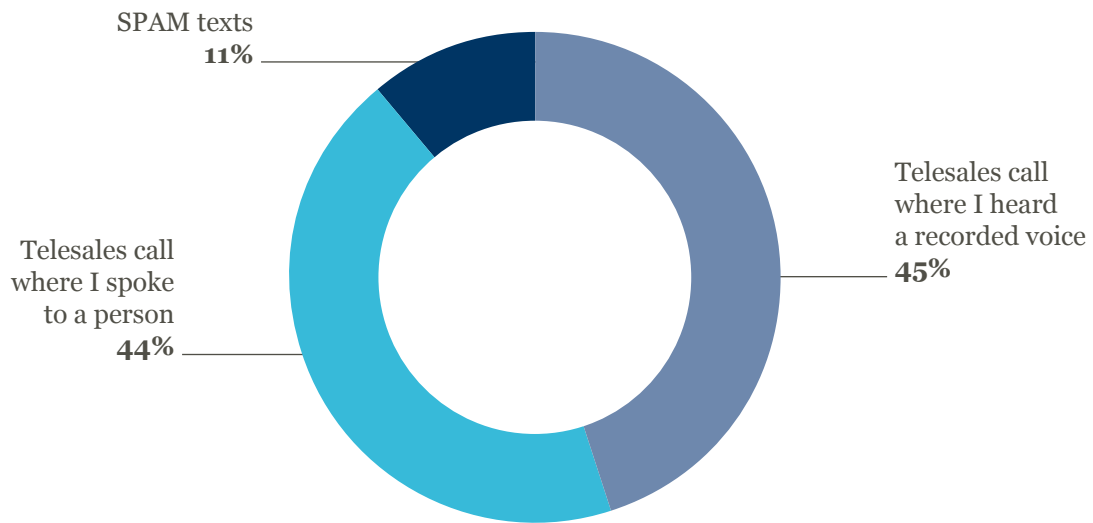
PECR concerns

Concerns reported

2014/15	180,188
2015/16	161,190

	2014/15	2015/16
Cookie concerns reported	164	210

Nature of telesales and SPAM texts reported



Self reported incidents under PECR

2014/15	285
2015/16	613

Information access

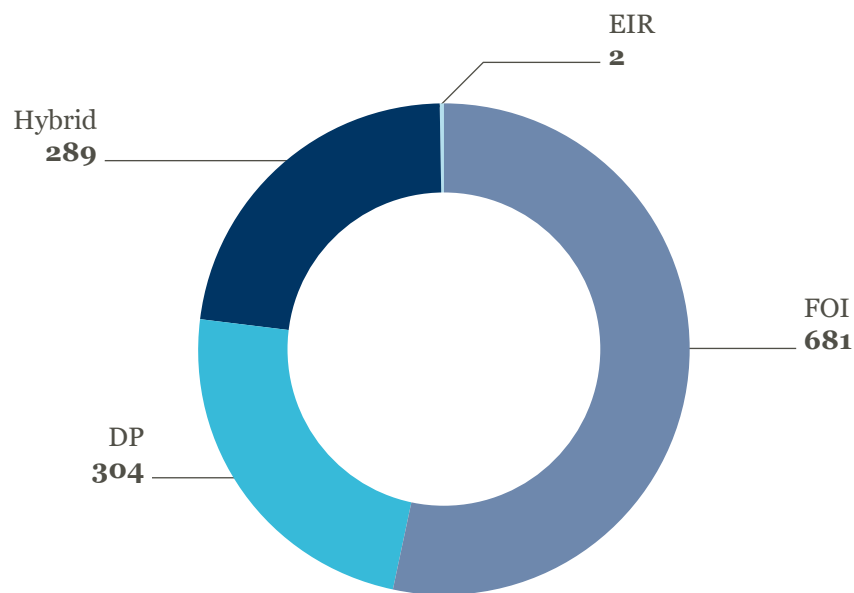
Requests received



Requests completed



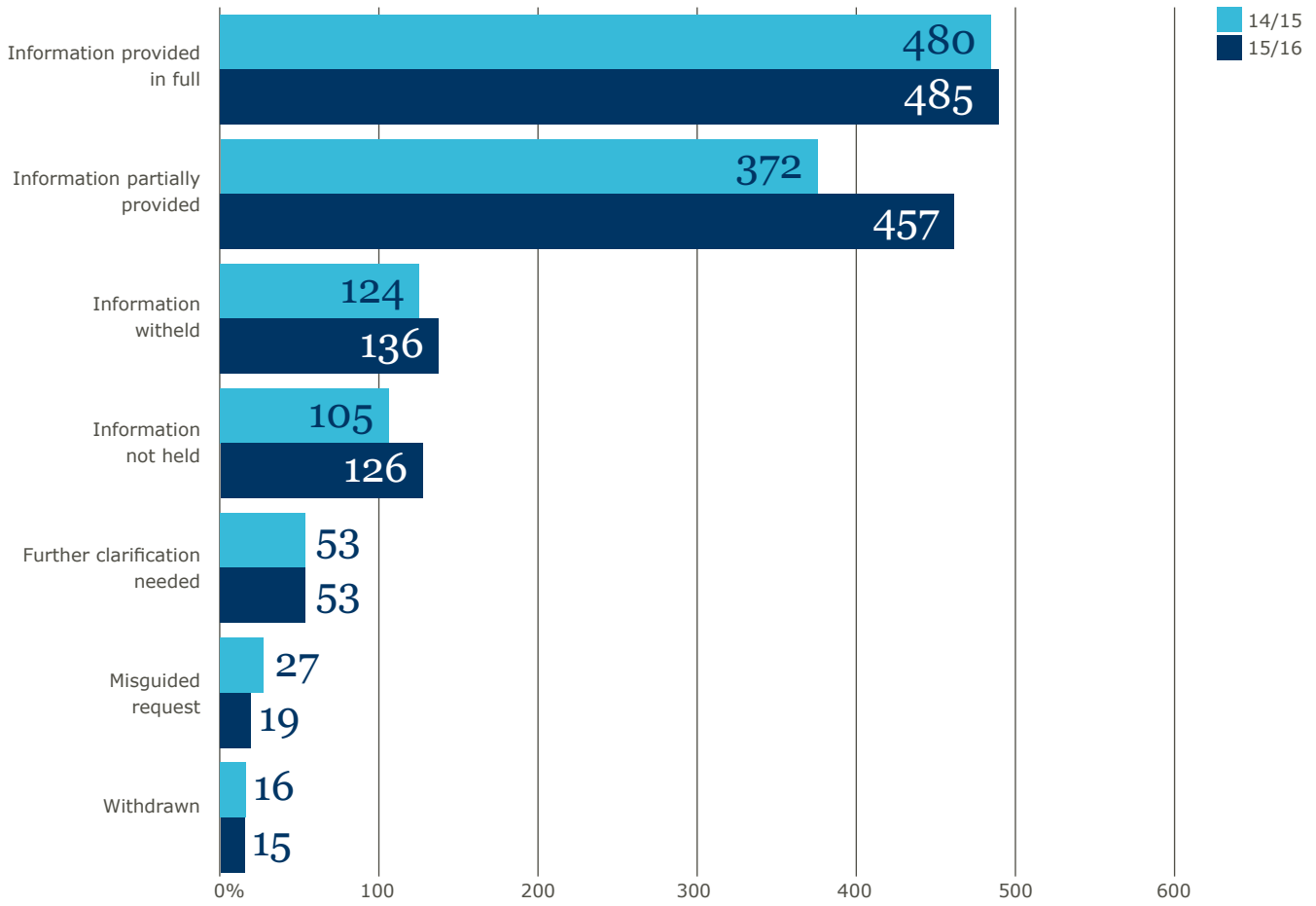
Requests by legislation



Response times

	2014/15	2015/16
Time for compliance	95%	96%
Average time (days)		
DP	18	22
FOI	14	14
Hybrid	12	13

Request outcomes



Internal reviews

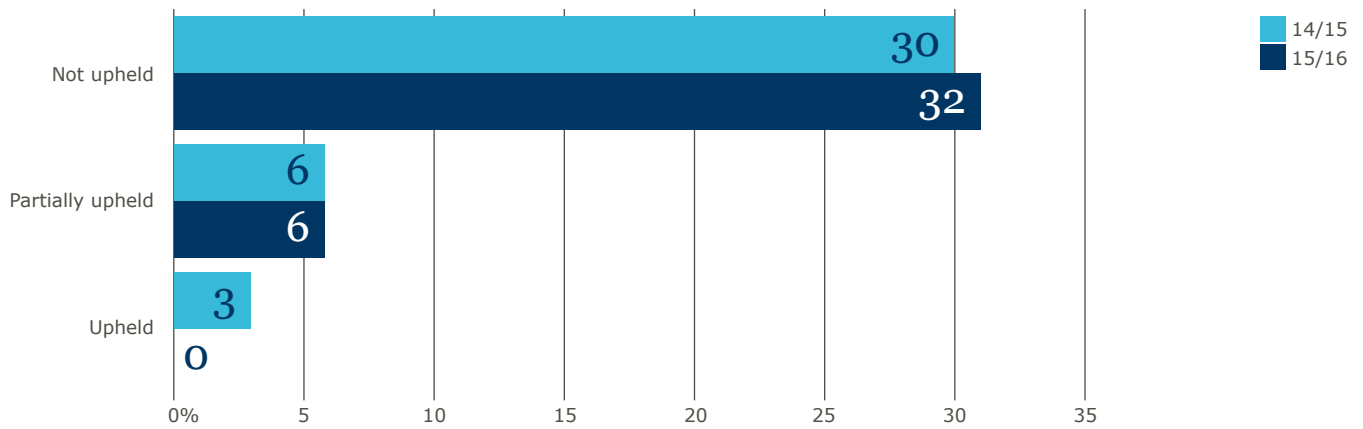
Reviews completed

2014/15	39
2015/16	38

Response times

	2014/15	2015/16
Completed in 20 days	30	31
Average days	18	17

Review outcomes



Sustainability

Context

ICO sustainability reporting meets the requirements in the Financial Reporting Manual 2015-16 and the Treasury guidance "Public Sector Annual Reports: Sustainability reporting Guidance". Reporting on sustainability helps ensure that the ICO is doing all it can to help meet government sustainability targets.

The office employs approximately 400 people; the majority of whom are based in Wilmslow near Manchester in one leased building. This building was refurbished in 2010 and at that point the ICO invested in the most appropriate environmental solutions then available.

The ICO is not responsible for any outside space and therefore does not have a biodiversity plan.

We ask those tendering for contracts to provide their sustainability statements and policies as standard in most procurement exercises.

2015-16 performance

The Wilmslow building has a government energy performance operating rating of 62. A rating below 100 is an above average (positive) outcome.

The largest contribution to ICO green house gas emissions is use of electricity. The installation of more energy efficient IT equipment during 2015-16 has helped to reduce the amount of electricity used. Electricity usage figures for earlier years have been amended upwards following an administrative error.

Business travel is also responsible for a large proportion of the ICO's green house gas emissions. Over the last few years the ICO has received new audit and enforcement powers and this has meant that staff numbers have increased as has the amount of business travel. In addition management changes affecting our offices in Belfast and Northern Ireland have considerably increased the number of flights taken. We have therefore changed how we collate travel figures this year to better reflect the actual travel done. Emissions from travel in 2013-14 have been amended downwards following an administrative error.

We recently installed new more efficient gas boilers. However, gas usage has increased due to greater use of the building.

We have a Green Group which has organised various initiatives over the year to raise staff awareness of green issues and to promote actions to lessen the office's impact on the environment. During the year the group organised a number of events including swapping unwanted Christmas gifts, and a greener travel to work week which was well supported. Staff left their cars at home and cycled, jogged, walked or car shared. Collectively they saved nearly 300 miles of travel.

Summarising total ICO performance:**Total tonnes CO₂**

	2012/13	2013/14	2014/15	2015/16
Scope 1 (gas)	35	10	9	18
			(1)	
Scope 2 (electricity)	271	209	238	160
	(210)	(153)	(176)	
Scope 3 (travel)	43	44	67	94
		(48)		
Total emissions	349	263	314	273
	(288)	(207)	(244)	

Tonnes CO₂ per full time equivalent staffing

	2012/13	2013/14	2014/15	2015/16
Scope 1 (gas)	0.10	0.03	0.02	0.04
		(0.30)	(0.00)	
Scope 2 (electricity)	0.75	0.59	0.65	0.39
	(0.58)	(0.43)	(0.48)	
Scope 3 (travel)	0.12	0.12	0.19	0.23
Total	0.97	0.74	0.86	0.67
	(0.80)	(0.59)	(0.67)	

Total waste, water and paper consumption

	2012/13	2013/14	2014/15	2015/16
Waste / tonnes	9.2	8.0	12.0	16.0
Water consumption / m ³	1,597	2,196	2,791	2,100
A4 paper / reams	3,572	3,580	3,540	3,700

Waste, water and paper consumption per full time equivalent staffing

	2012/13	2013/14	2014/15	2015/16
Waste / tonnes	0.03	0.02	0.03	0.04
Water consumption / m ³	4.44	6.20	7.68	5.14
A4 paper / reams	9.93	10.11	9.74	9.06

Details of ICO performance:

Total travel

	2012/13	2013/14	2014/15	2015/16
Cars				
Kms	25,321	24,277	27,754	31,662
Cost £	7,042	6,310	7,762	8,484
Tonnes CO ₂	5	5	5	6

Rail				
Kms	611,824	660,834	664,623	637,460
Cost £	157,551	180,585	185,977	178,755
Tonnes CO ₂	36	32	32	29

Flights				
Number	34	23	186	496
Kms	16,010	38,899	176,528	377,845
Cost £	2,390	4,238	28,576	49,770
Tonnes CO ₂	3	7	31	60

Travel Summary				
Cost £	166,983	191,133	222,315	237,009
Tonnes CO ₂	43	44	67	94

Travel per full time equivalent staffing

	2012/13	2013/14	2014/15	2015/16
Cars				
Kms	70.34	68.58	76.35	77.49
Cost £	19.57	17.82	21.35	20.76
Tonnes CO ₂	0.01	0.01	0.01	0.01

Rail				
Kms	1,701	1,867	1,828	1,560
Cost £	437.95	510.13	511.63	437.48
Tonnes CO ₂	0.10	0.09	0.09	0.07

Flights				
Number	0.09	0.06	0.51	1.21
Kms	44.50	109.88	485.63	924.73
Cost £	6.64	11.97	78.61	121.81
Tonnes CO ₂	0.01	0.02	0.08	0.15

Travel Summary				
Cost £	464.16	539.92	611.60	580.05
Tonnes CO ₂	0.12	0.12	0.19	0.23

Total utilities

	2012/13	2013/14	2014/15	2015/16
Gas				
Kwh	187,937	56,941	47,569 (3,734)	99,146
Cost £	7,741	2,271	1,775	3,703
Tonnes CO ₂	35	10	9 (1)	18

Electricity

Kwh	520,595 (404,454)	432,199 (316,058)	443,299 (327,158)	319,493
Cost £	60,359 (48,126)	62,561 (50,328)	66,959 (54,232)	64,957
Tonnes CO ₂	271 (210)	209 (153)	238 (176)	160

Utility summary

Cost £	68,100 (55,867)	64,832 (52,599)	68,734 (56,007)	68,660
Tonnes CO ₂	305 (245)	219 (163)	247 (177)	178

Utilities per full time equivalent staffing

	2012/13	2013/14	2014/15	2015/16
Gas				
Kwh	522.41	160.85	130.68 (10.27)	242.65
Cost £	21.52	6.42	4.88	9.06
Tonnes CO ₂	0.10	0.03	0.02 (0.00)	0.04

Electricity

Kwh	1,124	1,221 (893)	1,218 (900)	782
Cost £	167.66 (133.78)	176.72 (142.17)	183.95 (149.19)	158.97
Tonnes CO ₂	0.75 (0.58)	0.59 (0.43)	0.65 (0.48)	0.39

Utility summary

Cost £	155.29	183.14 (148.58)	188.83 (154.08)	168.04
Tonnes CO ₂	0.85 (0.68)	0.62 (0.46)	0.68 (0.49)	0.44

Notes:

- Information on waste is provided by the contractors.
- Travel costs and mileage are collated from central records and from staff directly.
- The information is collated quarterly and if figures are not consistent with expectations they are checked.
- Figures may not add due to rounding.
- Figures in brackets are previously reported figures now amended.

Christopher Graham
Information Commissioner
 23 June 2016



Accountability report

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	Remuneration and staff
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Directors' report

Directorships and other significant interests held by Board Members that may conflict with their management responsibilities

Membership of the ICO Management Board, along with further information, is detailed in the Governance Statement.

A register of interests is maintained for the Information Commissioner and his Management Board. It is published on the Commissioner's website at www.ico.org.uk. Declarations of interest in any of the items coming to a particular meeting are also asked for at Board, Audit Committee and Remuneration Committee meetings.

Employee involvement and well being

The ICO has a policy of co-operation and consultation with recognised trade unions over matters affecting staff. Senior managers regularly meet with trade unions to discuss issues of interest. In addition staff involvement in the work of the office is actively encouraged as part of the day-to-day process of line management.

Equal opportunities and diversity

We aim to ensure that all members of society have awareness of, and access to, their information rights and receive appropriate protection if their rights are infringed. To do this we have sought to include equality and diversity in our daily work. This has delivered a range of outcomes including:

- improving the accessibility of the ICO website to make it easier for the public to raise concerns and access our guidance;
- improving the accessibility of internal documents;
- responding to a consultation on mental health legislation to help shape its impact on information rights;
- increasing staff knowledge of autism and Asperger's;
- working with the Government Equalities Office to develop guidance on the privacy of people who are trans-gender and on our procedures for handling Gender Recognition Certificates;
- focusing advisory visits on organisations working with vulnerable members of society such as drug users, young people in care and women experiencing post-natal depression; and
- assisting Age UK in their study into the financial services sector and the extent to which older people are vulnerable to malpractice.

We have also provided our staff with a work environment and IT systems which help meet a range of needs; including accessible offices and IT systems, flexible and part-time working to help work-life balance and occupational health services.

We aim to recruit from a range of backgrounds and have long taken the applicant anonymous approach when assessing candidates for employment, an approach recently advocated by the government and civil service. This year saw an increase in the proportion of new staff who are from Black, Asian, or Minority Ethnic Communities and we continue to provide equality of access to promotion and training for all staff.

Our Equality and Diversity Committee and Senior Management Team oversee our efforts to provide an increasingly accessible service. As part of this oversight we have improved the co-ordination of reports on equality based activity, giving a better picture of how we meet the aims of the Equality Act and in turn enabling us to publish our Annual Equality Report.

The community

During 2015-16 ICO staff supported a local Cheshire based charity, The Joshua Tree, which helps local families living with the life changing experience of childhood cancer. Staff supported a number of events including a football tournament, Snowdon walk, baking competition and a quiz and curry night. In addition staff raised funds for an air hockey table as a Christmas present for the children attending the charity's support centre. In total staff raised just over £1,500.

Pension liabilities

Details regarding the treatment of pension liabilities are set out in note 3 to the financial statements.

Personal data incidents

There was one incident during 2015-16 which, based on ICO guidance for the self reporting of personal data incidents, we reported to our Enforcement department.

The incident involved a small amount of personal information about five individuals held on one of our customer case files being accidentally disclosed to a customer of the same name. Some of the information about one of the five individuals was sensitive personal data. The incident was contained and there was no detriment to those involved.

The incident was investigated in the same way as any reported to the ICO by a data controller.

The outcome confirmed that the necessary controls were in place to mitigate the risk of an accidental disclosure of information in our casework process. Some recommendations were also made for further improvement. All recommendations were accepted and implemented.

No formal action was proposed in response to the incident.

Public sector information holders

The ICO has complied with the cost allocation and charging requirements set out in HM Treasury guidance.

Annual accounts and audit

The annual accounts have been prepared in a form directed by the Secretary of State with the consent of the Treasury in accordance with paragraph (10) (1) (b) of Schedule 5 to the Data Protection Act 1998.

Under paragraph (10) (2) of Schedule 5 to the Data Protection Act 1998 the Comptroller and Auditor General is appointed auditor to the Information Commissioner. The cost of audit services for this year was £32.50k (2014-15: £32.25k). No other assurance or advisory services were provided.

So far as the Accounting Officer is aware, there is no relevant audit information of which the Comptroller and Auditor General is unaware, and the Accounting Officer has taken all the steps that he ought to have taken to make himself aware of relevant audit information and to establish that the Comptroller and Auditor General is aware of that information.

Directors' statement

Each of the persons who are directors at the time this report is approved:

- (a) so far as the director is aware there is no relevant audit information of which the auditor is unaware; and
- (b) the director has taken all the steps they ought to have taken as a director in order to make themselves aware of any relevant audit information and to establish that the auditor is aware of that information.

Statement of the Information Commissioner's responsibilities

Under paragraph 10(1)(b) of Schedule 5 to the DPA the Secretary of State has directed the Information Commissioner to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Information Commissioner at the year end and of his income and expenditure, recognised gains and losses and cash flows for the financial year.

In preparing the accounts the Information Commissioner is required to comply with the requirements of the Government Financial reporting Manual (FReM) and in particular to:

- observe the Accounts Direction issued by the Secretary of State with the approval of the Treasury, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on the going concern basis, unless it is inappropriate to presume that the Information Commissioner's Office will continue in operation.

The Accounting Officer of the DCMS has designated the Information Commissioner as Accounting Officer for his Office. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances and for keeping of proper records and for safeguarding the Information Commissioner's assets, are set out in the Non-Departmental Public Bodies' Accounting Officer Memorandum, issued by the Treasury and published in Managing Public Money.

Governance statement

Introduction

The Information Commissioner is a corporation sole as established under the DPA. Under the terms of the EU Data Protection Directive the Information Commissioner and his office must be completely independent of Government. I am accountable to Parliament for the exercise of my statutory functions and the independence of the ICO is enshrined in legislation.

Relationship with the Department for Culture, Media and Sport

As of the 17 September 2015 the DCMS became the sponsoring department for the ICO, replacing the MOJ. The relationship with the MOJ had been governed by a Framework Agreement which set out our responsibility to support the work of both organisations and to help ensure my independence and that of my office.

The Agreement also ensured that appropriate reporting arrangements were in place to enable the MOJ to monitor the expenditure of public money allocated to the ICO. Following the transfer of sponsorship responsibility to the DCMS we continued to follow the spirit of the MOJ Framework Agreement in our relationship with the DCMS pending a new Management Agreement with the DCMS being finalised.

At the same time as taking on sponsorship responsibilities the DCMS also took on policy responsibility for the DPA and its associated legislation. Earlier in the year the Cabinet Office had taken on policy responsibility for FOIA.

Management Board

I have a Management Board to support me in the role of Accounting Officer. The Board is responsible for developing strategy, monitoring progress in implementing strategy, providing corporate governance and assurance and for managing corporate risks. The Board comprises myself, up to two Deputy Commissioners and up to four non-executive members.

The Board meets quarterly and considers risk management as well as reports on operational, financial, organisational and corporate issues. It also receives reports from my Audit Committee, Remuneration Committee and Senior Management Team.

In the course of 2015-16 there were major changes in ICO senior management; Andrew Hind, Non-executive Director, left the ICO on 31 August 2015; Graham Smith, Deputy Commissioner for Freedom of Information, left the ICO on 23 October 2015; and David Smith, Deputy Commissioner for Data Protection, retired on 18 November 2015. Not wanting to tie the hands of the next Commissioner and having consulted with Board members, I decided not to appoint a replacement for Andrew Hind. Ailsa Beaton, Non-executive Director, replaced Andrew Hind as chair of the Remuneration Committee at its November meeting.

In advance of David Smith’s retirement a recruitment exercise to appoint a new Deputy Commissioner (Data Protection) was held. Unfortunately we were unsuccessful in identifying an appropriate successor. For this reason, and again because I did not want to tie the hand of the next Commissioner, I have not sought to recruit replacements for either David Smith or Graham Smith. I appointed Simon Entwisle, Deputy Chief Executive Officer, as my Deputy Commissioner from 2 November 2015.

Given the loss of these very experienced members of my Board I changed the management structure of the ICO to ensure full support for myself and my successor during the transition to the new leadership. As of November 2015 the Executive Team, Leadership Group and Information Rights Committee were all replaced by a Senior Management Team to provide day-to-day leadership for the ICO.

The table below details attendance at the Management Board meetings during the year.

Dates	27-Apr-15	27-Jul-15	2-Nov-15	25-Jan-16	Notes
Christopher Graham	1	1	1	1	
Simon Entwisle	1	1	1	1	Deputy Commissioner from 2 November 2015
David Smith	1	1	1		David Smith left the ICO 18 November 2015
Graham Smith	1	1			Graham Smith left the ICO 23 October 2015
Ailsa Beaton	1	1	1	1	
Andrew Hind	1	1			Andrew Hind left the ICO 31 August 2015
Ian Watmore	1	1	1	1	
Nicola Wood	1	1	1	1	

Audit Committee

The Audit Committee meets quarterly and provides scrutiny, oversight and assurance in respect of risk control and governance. The Committee consists of Ian Watmore as chair of the Committee, Ailsa Beaton as the other non-executive member and Roger Barlow as the independent member.

The table below shows attendance of Audit Committee members at the meetings during the year.

Dates	8-Jun-15	7-Sep-15	7-Dec-15	7-Mar-16	Notes
Ian Watmore	1	1	1	1	Chair
Roger Barlow	1	1	1	1	
Ailsa Beaton	1	1	1	1	

The external and internal auditors attend the Audit Committee and have pre-meetings with Committee members.

The Audit Committee has published its own Annual Report for 2015-16 on the ICO website (www.ico.org.uk). The report states that the Committee is satisfied with the quality of internal and external audit and believes that it is able to take a measured and diligent view of the quality of the systems of reporting and control within the ICO.

Remuneration Committee

The Board is supported by a Remuneration Committee consisting of two non-executive Board members. The Committee advises me and my Board on the ICO's remuneration policies and practices for all staff, and will, on behalf of the Board, determine the appropriate remuneration for Deputy Commissioners and the Deputy Chief Executive Officer. It does not decide on remuneration for the Commissioner which is set by Parliament.

The Committee met on 9 June 2015 and on 9 November 2015. All members attended, along with the Commissioner and the Head of Organisational Development. Andrew Hind (chair) and Nicola Wood were the members for the first meeting, and Ailsa Beaton (chair) and Nicola Wood for the second meeting.

Senior Management Team

The Team provides day-to-day leadership for the ICO and as such has responsibility for developing and delivering against the information rights strategy and the ICO Plan. The Team consists of me, my Deputy Commissioner and Deputy Chief Executive, and Heads of Department. It meets fortnightly.

Board effectiveness

The Board evaluated its performance during the year. Members considered that the Board was effective in its support of the Commissioner.

Similarly the Audit Committee, Remuneration Committee and Senior Management Team reviewed their performance. Again, the feedback was that there was no need for significant improvements.

The Management Board has previously considered its compliance with the "Corporate governance in central government departments: Code of good practice 2011". The ICO does not fully comply with the code, but the Board consider that there are good reasons for this given the size and nature of the organisation as a corporation sole. In particular:

- the Board does not have the powers and duties of a Board in which is vested the ultimate authority of the organisation. This is because the Commissioner is the 'corporation';
- the Board does not have a lead non-executive director, but given the size of the Board and the ICO and its responsibilities, this is not felt necessary;
- non-executive members do not have a specific section in the ICO's Annual Report but this is not currently considered necessary;
- composition of the Board reflects the nature, responsibilities and size of the ICO;

- the ICO does not have a Nominations and Governance Committee but the Board's focus on governance, and the Remuneration Committee's overview of remuneration policies in general is considered to provide the necessary coverage; and
- in respect of an operating framework the Board has terms of reference supported by an annual work plan.

Issues and highlights

The ICO's corporate governance structure has considered various issues of substance during the course of the year. These include:

- staff engagement and industrial relations;
- registration fee strategy;
- the Triennial Review of the ICO;
- a critical IT hardware failure;
- IT strategy;
- changes in the senior management structure; and
- preparation for the EU data protection reforms.

A risk assessment

Risks are regularly refreshed by the Senior Management Team and, prior to its inception, by the Executive Team, with a major review each spring. The register is also discussed at Management Board, Audit Committee and at quarterly meetings with the ICO's sponsoring department.

The main risks identified during the year are detailed in the Performance report.

Sources of assurance

As Accounting Officer I have responsibility for reviewing the effectiveness of the system of internal control, including the risk management framework. My review is informed by the work of the internal auditors and the Senior Management Team members who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. In their annual report, our internal auditors have given an overall assurance that they are satisfied that sufficient internal audit work has been undertaken to allow them to draw a reasonable conclusion as to the adequacy and effectiveness of the ICO's risk management, governance and control processes.

I have been advised on the implications of the result of my review by the Board and the Audit Committee. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified and that those risks are being properly managed.

Remuneration and Staff:

Remuneration policy (audited)

Schedule 5 to the DPA provides that the salary of the Information Commissioner is to be specified by a Resolution of the House of Commons and on 24 November 2008 the House of Commons resolved that in respect of service after 30 November 2007 the salary of the Information Commissioner should be £140,000 pa. The salary of the Information Commissioner is paid directly from the Consolidated Fund in accordance with the Schedule.

Prior to 1 September 2013 the remuneration of staff and other officers was determined by the Information Commissioner with the approval of the Secretary of State. Following commencement of Section 108 of the Protection of Freedoms Act such decisions are now made in consultation with the Secretary of State and Treasury.

In making decisions on remuneration the Information Commissioner has regard to the following considerations:

- the need to recruit, retain and motivate suitably able and qualified people;
- government policies for improving the public services;
- the funds available to the Information Commissioner; and
- Treasury pay guidance.

The Remuneration Committee considers and advises the Management Board on remuneration policies and practices for all staff, and will, on behalf of the Board, determine appropriate remuneration for the Deputy Commissioners and the Deputy Chief Executive Officer. The Committee's decision includes individual performance as a factor.

Unless otherwise stated below, staff appointments are made on merit on the basis of fair and open competition and are open-ended until normal retiring age. Early termination, other than for misconduct, should result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Non-executive Directors are paid an annual salary of £12,000 and are appointed for an initial term of three years, renewable by mutual agreement for one further term of a maximum of three years.

Remuneration report

Salary and pension entitlements

Details of the remuneration and pension interests of the Information Commissioner and his most senior officials are provided below.

Remuneration (salary, bonuses, benefits in kind and pensions) (audited)

Single total figure of remuneration

Officials	Salary (£'000)		Benefits in kind (£'000) (-nearest £100)		Compensation schemes (£'000)		Pension benefits (£'000) ¹		Total (£'000)	
	2015/16	2014/15	2015/16	2014/15	2015/16	2014/15	2015/16	2014/15	2015/16	2014/15
Christopher Graham Information Commissioner & Chief Executive	140-145	140-145	—	—	—	—	50-55	50-55	190-200	190-200
Simon Entwisle Director of Operations/ Deputy CEO	90-95	90-95	0.1	0.1	—	—	40-45	70-75	125-135	160-165
David Smith Deputy Commissioner and Director for Data Protection	70-75 (full year 90-95)	85-90 (full year 90-95)	0.1	0.1	—	—	55-60	145-150	125-135	230-235
Graham Smith Deputy Commissioner and Director for FOI	50-55 (full year 90-95)	90-95	—	—	—	—	15-20	35-40	60-70	125-130
Ailsa Beaton Non-Executive Board Member (appointed 01 August 2014)	10-15	5-10 (full year 10-15)	—	—	—	—	—	—	10-15	5-10
Andrew Hind Non-Executive Board Member	5-10 (full year 10-15)	10-15	—	—	—	—	—	—	5-10	10-15
Ian Watmore Non-Executive Board Member	10-15	10-15	—	—	—	—	—	—	10-15	10-15
Nicola Wood Non-Executive Board Member (appointed 01 January 2015)	10-15	1-5 (full year 10-15)	—	—	—	—	—	—	10-15	1-5

The value of pension benefits accrued during the year is calculated as the real increase in pension multiplied by 20 plus the real increase in any lump sum, less the contributions made by the individual. The real increases exclude increases due to inflation or any increase or decrease due to a transfer of pension rights.

Salary comprises gross salary and any other allowance to the extent that it is subject to UK taxation. No bonus payments were made in 2015-16. In 2014-15 payments of £100 were made to Simon Entwisle, David Smith and Graham Smith in line with the ICO's general bonus scheme.

Benefits in kind relate to the organisation's contribution to the ICO's health care plan provided by BHSF.

Pay multiples (audited)

Reporting bodies are required to disclose the relationship between the remuneration of the highest paid director in their organisation and the median remuneration of the organisation's workforce. The Information Commissioner is deemed to be the highest paid Director and no member of staff receives remuneration higher than the highest paid Director.

The banded remuneration of the highest paid director of the ICO in the financial year 2015-16 was £140k to £145k (2014-15: £140k to £145k). This was 5.7 times (2014-15: 5.7 times) the median remuneration of the workforce, which was £24,651 (2014-15 £24,440). The median total remuneration is calculated by ranking the annual full time equivalent salary as at 31 March 2016 for each member of staff.

Staff remuneration ranged from £16,328 to £140,000 (2014-15: £16,227 to £140,000).

Total remuneration includes salary, non-consolidated performance-related pay and benefits-in-kind. It does not include severance payments, employer pension contributions and the Cash Equivalent Transfer Value (CETV) of pensions.

In common with other public sector organisations, the ICO has adhered to pay restraint policies.

Pension Benefits (audited)

	Accrued Pension at pension age as at 31 March 2016 and related lump sum £'000	Real increase in pension and related lump sum at pension age £'000	CETV at 31 March 2016 £'000	CETV at 31 March 2015 £'000	Real increase in CETV £'000
Christopher Graham Information Commissioner	Pension 20-25 Lump sum Nil	2.5-5	408	343	39
Simon Entwisle Director of Operations/ Deputy CEO	Pension 40-45 Lump sum 125-130	2.5-5 5-7.5	986	921	42
David Smith Deputy Commissioner and Director for DP	Pension 45-50 Lump sum 145-150	2.5-5 7.5-10	1,055	1,027	56
Graham Smith Deputy Commissioner and Director for FOI	Pension 15-20 Lump sum 45-50	0-2.5 2.5-5	364	328	18

The CETV figures are provided by MyCSP, the ICO's Approved Pensions Administration Centre, who have assured the ICO that they have been correctly calculated following guidance provided by the Government Actuary's Department.

Partnership pensions

There were no employer contributions to partnership pension accounts in the year for the above staff.

Civil Service pensions

Further details about the Civil Service pension arrangements can be found at the website www.civilservice.gov.uk/pensions.

Cash Equivalent Transfer Values

A CETV is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. It represents the amount paid made by a pension scheme or arrangement to secure pension benefits in another pension scheme arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme.

The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement that the individual has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional pension benefits at their own cost. CETV's are worked out in accordance with The Occupational Pensions Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

Staff report

Number of senior civil service staff (or equivalent) by band

The Information Commissioner, the two former Deputy Commissioners, the Non-executive Directors and the Deputy Commissioner and Deputy Chief Executive Officer are the only staff categorised as being at a grade equivalent to the senior civil service.

Staff numbers and costs (split between permanent and short term contract/agency staff)

Full figures can be found in note 3 to the financial statement.

As at 31 March 2016 the ICO had 442 permanent staff (409 full time equivalents). The average number of permanent staff over the year was 415 (384 full time equivalents).

Staff composition

As of the end of this financial year there were five members of the Management Board of whom three were male and two female.

Across the ICO as a whole 39.8% of staff were male and 60.2% female.

Sickness absence

The average number of sick days taken per person during the year was 5.6 days (2014-15: 4.5 days).

Staff policies relating to the employment of disabled persons

The ICO's recruitment processes ensure that shortlisting managers only assess the applicant's skills, knowledge and experience for the job. All personal information is removed from applications before shortlisting.

The ICO continues to apply the Two Ticks standard for job applicants who are disabled. It has also assisted in the continued employment of disabled people by providing a work environment that is accessible and equipment that allows people to perform effectively. Our disabled staff are given equal access to training and promotion opportunities and adjustments are made to work arrangements, work patterns and procedures to ensure that people who are, or become, disabled, are treated fairly and can continue to contribute to the ICO's aims.

During the year we also started an exercise to get feedback from disabled staff about their experience at the ICO to help inform future people policies and procedures.

Expenditure on consultancy

There has been no expenditure on consultancy during 2015-16.

Off-payroll engagements

There were no off payroll engagements during 2015-16.

Exit packages (audited)

Exit package cost band	Total number of exit packages by cost band	
	2015/16	2014/15
<£10,000	—	—
£10,000 – £25,000	—	—
£25,000 – £50,000	—	1
£50,000 – £100,000	—	—
Total number of exit packages	—	1

Redundancy and other departure costs have been paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year of departure. Where the Information Commissioner has agreed early retirements the additional costs are met by the Information Commissioner and not by the Civil Service pension scheme. Ill health retirement costs are met by the pension scheme and are not included in the table above.

There were no compulsory redundancies in the year (2014-15: none).

Ex-gratia payments made outside of the provisions of the Civil Service Compensation Scheme are agreed directly with the Treasury.

Parliamentary accountability and audit report: Regularity of expenditure (audited)

HM Treasury imposed an administrative sanction of £18.4k following the provision of retrospective approval for pay awards for the year ended 2014-15. This was charged in 2015-16 by way of a reduction in the grant in aid payable. £3,750k was payable but £3,731.6k was received – see statement of changes in taxpayer’s equity.

Treasury approval was granted for a Special Payment to the Commissioner (Christopher Graham) in respect of legal expenses of £7,320 incurred in defence of a charge of a breach by the Commissioner of section 77 of FOIA. The investigation concluded that there was no case for the Commissioner to answer.

Fees and charges (audited)

Information on fees collected from data controllers who notify their processing of personal data under the DPA is provided as part of the performance report earlier in this document.

Remote contingent liabilities

Please see note 16 to the accounts.

Long-term expenditure trends

In the long-term it is expected that expenditure trends will remain as now.

Christopher Graham
Information Commissioner
23 June 2016

The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

I certify that I have audited the financial statements of the Information Commissioner's Office for the year ended 31 March 2016 under the Data Protection Act 1998. The financial statements comprise: the Statements of Comprehensive Net Expenditure, Financial Position, Cash Flows, Changes in Taxpayers' Equity; and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration and Staff Report and the Parliamentary Accountability Disclosures that is described in that report as having been audited.

Respective responsibilities of the Board, Accounting Officer and auditor

As explained more fully in the Statement of Information Commissioner's Responsibilities, the Board and the Accounting Officer are responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view. My responsibility is to audit, certify and report on the financial statements in accordance with the Data Protection Act 1998. I conducted my audit in accordance with International Standards on Auditing (UK and Ireland). Those standards require me and my staff to comply with the Auditing Practices Board's Ethical Standards for Auditors.

Scope of the audit of the financial statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of: whether the accounting policies are appropriate to the Information Commissioner's Office's circumstances and have been consistently applied and adequately disclosed; the reasonableness of significant accounting estimates made by the Information Commissioner's Office and the overall presentation of the financial statements. In addition I read all the financial and non-financial information in the Annual Report to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my certificate.

I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Opinion on regularity

In my opinion, in all material respects the expenditure and income recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Opinion on financial statements

In my opinion:

- the financial statements give a true and fair view of the state of the Information Commissioner's Office's affairs as at 31 March 2016 and of the net expenditure for the year then ended; and
- the financial statements have been properly prepared in accordance with the Data Protection Act 1998 and Secretary of State directions issued thereunder.

Opinion on other matters

In my opinion:

- the parts of the Remuneration and Staff Report and the Parliamentary Accountability disclosures to be audited have been properly prepared in accordance with Secretary of State directions made under the Data Protection Act 1998; and
- the information given in the Performance Report and Accountability Report for the financial year for which the financial statements are prepared is consistent with the financial statements.

Matters on which I report by exception

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- adequate accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my staff; or
- the financial statements and the parts of the Remuneration and Staff Report and the Parliamentary Accountability disclosures to be audited are not in agreement with the accounting records and returns; or
- I have not received all of the information and explanations I require for my audit; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

Report

I have no observations to make on these financial statements.

Sir Amyas C E Morse Date: 27 June 2016

Comptroller and Auditor General

National Audit Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP



Financial statements

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Statement of comprehensive net expenditure (audited) for the year ended 31 March 2016

	Note	£'000	2015/16 £'000	2014/15 £'000
Expenditure				
Staff costs	3		14,316	13,312
Other expenditure	4	6,724		6,455
Depreciation and other non-cash costs	4	2,162		1,790
			8,886	8,245
Total expenditure			23,202	21,557
Income				
Income from activities	5a		(17,819)	(17,649)
Net expenditure			5,383	3,908
Other comprehensive expenditure				
Net gain on revaluation of property, plant and equipment			(128)	(20)
Total comprehensive expenditure for the year ended 31 March			5,255	3,888

All income and expenditure relates to continuing operations.

Statement of financial position (audited)

as at 31 March 2016

	Note	31 March 2016		31 March 2015	
		£'000	£'000	£'000	£'000
Non-current assets					
Property, plant and equipment	6	1,404		1,829	
Intangible assets	7	1,056		1,801	
Total non-current assets			2,460		3,630
Current assets					
Trade and other receivables	9	2,391		1,404	
Cash and cash equivalents	10	2,808		2,699	
Total current assets			5,199		4,103
Total assets			7,659		7,733
Current liabilities					
Trade and other payables	11		(3,485)		(2,321)
Provisions	12		(614)		—
Non-current assets plus net current assets			3,560		5,412
Non-current liabilities					
Provisions	12		(54)		(572)
Assets less liabilities			3,506		4,840
Taxpayers' equity					
Revaluation reserve			105		266
General reserve			3,401		4,574
			3,506		4,840

Christopher Graham
Information Commissioner

23 June 2016

Statement of cash flows (audited) for the year ended 31 March 2016

	Note	2015/16 £'000	2014/15 £'000
Cash flows from operating activities			
Net expenditure		(5,383)	(3,908)
Adjustment for non-cash items	3,4,12	2,458	1,980
Decrease in trade and other receivables	9	(71)	(789)
Increase in trade payables	11	(488)	247
Use of provisions	12	(9)	(8)
Net cash outflow from operating activities		(3,493)	(2,478)
Cash flows from investing activities			
Purchase of property, plant and equipment	6	(788)	(50)
Purchase of intangible assets	7	(76)	(767)
Net cash outflow from investing activities		(864)	(817)
Cash flows from financing activities			
Grant in aid received from the DCMS	1.3	3,731	3,700
Net cash flows from financing activities		3,731	3,700
Net increase/(decrease) in cash and cash equivalents during the year before adjustment for receipts and payments to the Consolidated Fund			
		(626)	405
Receipts due to the Consolidated Fund which are outside the scope of the Information Commissioner's activities		1,563	822
Payments of amounts due to the Consolidated Fund		(828)	(1,431)
Net increase/(decrease) in cash and cash equivalents in the year after adjustment for receipts and payments to the Consolidated Fund			
		109	(204)
Cash and cash equivalents at the start of the year			
		2,699	2,903
Cash and cash equivalents at the end of the year			
	10	2,808	2,699

Statement of changes in taxpayers' equity (audited) for the year ended 31 March 2016

	Note	Revaluation reserve £'000	General reserve £'000	Total reserves £'000
Balance at 31 March 2014		283	4,555	4,838
Changes in tax payers' equity 2014/15				
Grant in aid from the Ministry of Justice		—	3,700	3,700
Transfers between reserves		(37)	37	—
Comprehensive expenditure for the year		20	(3,908)	(3,888)
Non-cash charges — Information Commissioner's salary costs	3	—	190	190
Balance at 31 March 2015		266	4,574	4,840
Changes in tax payers' equity 2015/16				
Grant in aid from the DCMS	1.3	—	3,731	3,731
Transfers between reserves		(289)	289	—
Comprehensive expenditure for the year		128	(5,383)	(5,255)
Non-cash charges — Information Commissioner's salary costs	3	—	190	190
Balance at 31 March 2016		105	3,401	3,506

Notes to the accounts (audited)

1. Statement of accounting policies

These financial statements have been prepared in accordance with the 2015-16 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context. Where the FReM permits a choice of accounting policy, the accounting policy which is judged most appropriate to the particular circumstances of the Information Commissioner for the purpose of giving a true and fair view has been selected. The particular policies adopted by the Information Commissioner are described below. They have been applied consistently in dealing with items that are considered material to the accounts.

1.1 Accounting convention

These accounts have been prepared under the historical cost convention modified to account for the revaluation of property, plant and equipment and intangible assets at their value to the business by reference to current costs.

1.2 Disclosure of IFRSs in issue but not yet effective

The Information Commissioner has reviewed the IFRS in issue but not yet effective (as below), and has determined that there are no new IFRS relevant or likely to have a significant impact.

Standard	Impact
IFRS 5 – Non current assets held for sale	Not applicable
IFRS 7 – Financial Instruments Disclosures	Not applicable
IFRS 9 – Financial Instruments	Not applicable
IFRS 10 and IAS 28 – Sale or contribution of Assets between an investor and its associates or joint (amendment)	Not applicable
IFRS 10, IFRS 12, IAS 28 – Investment entities: applying the Consolidation Exception (amendment)	Not applicable
IFRS 11 – Accounting for acquisitions of interests in joint operations (amendment)	Not applicable
IFRS 14 – Regulatory Deferral Accounts	Not applicable
IFRS 15 – Revenue from Contracts with Customers (IAS 18 replacement – Revenue Recognition and Liabilities Recognition)	Not applicable
IFRS 16 and IAS 17 replacement – Leases	Immaterial
IAS 1 – Disclosure Initiative (amendment)	Immaterial
IAS 16 and IAS 41 – Bearer Plants (amendment)	Not applicable

Standard	Impact
IAS 16 and IAS 38 – Clarification of acceptable methods of depreciation and amortisation (amendment)	Immaterial
IAS 19 – employee benefits in regional markets	Not applicable
IAS 27 – Equity Method in Separate Financial Statements (amendment)	Not applicable
IAS 34 Interim Financial reporting	Not applicable
IAS 41 – Agriculture Bearer Plants	Not applicable

1.3 Grant in aid

Grant in aid is received from the DCMS to fund expenditure on freedom of information work, and is credited to the General Reserve on receipt. Receipts for the year were £3,731k (2014-15: £3,700k).

1.4 Cash and cash equivalents

Cash and cash equivalents recorded in the Statement of Financial Position (SoFP) and Statement of Cash Flows include cash in hand, deposits held at call with banks, other short-term highly liquid investments and bank overdrafts.

1.5 Income from activities and Consolidated Fund income

Income collected under the DPA is surrendered to the DCMS as Consolidated Fund income, unless the DCMS (with the consent of the Treasury) has directed otherwise, in which case it is treated as Income from activities. There are three main types of income collected:

Data protection notification fees

Fees are collected from annual notification fees paid by data controllers required to notify their processing of personal data under the DPA. The Commissioner has been directed to retain the fee income collected to fund data protection work and this is recognised in the Statement of Comprehensive Net Expenditure as income. At the end of each year the Commissioner may carry forward to the following year sufficient fee income to pay year end creditors. Any fees in excess of these limits are paid over to the Consolidated Fund.

Civil monetary penalties

The Commissioner can impose civil monetary penalties for serious breaches of the DPA or PECR of up to £500k. A penalty can be reduced by 20% if paid within 30 days of being issued.

The Commissioner does not take action to enforce a civil monetary penalty unless and until the period specified in the notice as to when the penalty must be paid has expired and the penalty has not been paid, all relevant appeals against the monetary penalty notice and any variation of it have either been decided or withdrawn, and the period for the data controller to appeal against the monetary penalty and any variation of it has expired.

Civil monetary penalties collected by the Commissioner are recognised on an accruals basis when issued. They are paid over to the Consolidated Fund, net of any early payment reduction when received. Civil monetary penalties are not recognised in the Statement of Comprehensive Net Expenditure but are treated as an asset in the Statement of Financial Position.

The amounts recognised are regularly reviewed and subsequently adjusted in the event that a civil monetary penalty is varied, cancelled, impaired or written off as irrecoverable. Amounts are written off as irrecoverable on the receipt of legal advice. Legal fees incurred in recovering debts are borne by the ICO.

Sundry receipts

The Commissioner has been directed to retain certain sundry receipts such as reimbursed travel expenses, conference fees and recovered legal costs. This is recognised in the Statement of Comprehensive Net Expenditure as income. Conference fee income of £57k has been identified separately for the first time this year. The comparative figure for 2014-15 of £47k is not considered material and so the comparative figures have not been amended.

The Commissioner has interpreted the FReM to mean that he is acting as a joint agent with the DCMS, and that income not directed to be retained as Income from Activities falls outside of normal operating activities and are not reported through the Statement of Comprehensive Net Expenditure, but disclosed separately within the notes to the accounts. This included receipts such as bank interest, which is paid to the Consolidated Fund.

1.6 Notional costs

The salary and pension entitlement of the Information Commissioner are paid directly from the Consolidated Fund and are included within staff costs and then reversed with a corresponding credit to the General Reserve.

1.7 Pensions

Past and present employees are covered by the provisions of the Principal Civil Service Pensions Scheme (PCSPS).

1.8 Property, plant and equipment

Assets are classified as property, plant and equipment if they are intended for use on a continuing basis, and their original purchase cost, on an individual basis, is £2,000 or more, except for laptop and desktop computers, which are capitalised even when their individual cost is below £2,000.

Property, plant and equipment (excluding assets under construction) are carried at fair value. Depreciated modified cost is used as a proxy for fair value by using appropriate indices published by the Office for National Statistics, due to the short length of the useful life of information technology and furniture and fittings, and the low values of items of plant and machinery.

At each balance sheet date the carrying amounts of property, plant and equipment and intangible assets are reviewed to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists the fair value of the asset is estimated in order to determine the impairment loss. Any impairment charge is recognised in the Statement of Comprehensive Net Expenditure account in the year in which it occurs.

1.9 Depreciation

Depreciation is provided on property, plant and equipment on a straight-line basis to write off the cost or valuation evenly over the asset's anticipated life. A full year's depreciation is charged in the year in which an asset is brought into service. No depreciation is charged in the year of disposal. The principal lives adopted are:

Information technology:	between five and 10 years
Plant and machinery:	between five and 10 years
Leasehold improvements:	over the remainder of the property lease

1.10 Intangible assets and amortisation

Intangible assets are stated at the lower of replacement cost and recoverable amount. Computer software licences and their associated costs are capitalised as intangible assets where expenditure of £2,000 or more is incurred. Software licences are amortised over their useful economic life which is estimated as four years or the length of the contract, whichever is the shorter term.

1.11 Operating leases

Amounts payable under operating leases are charged to the Comprehensive Net Expenditure Account on a straight-line basis over the lease term, even if the payments are not made on such a basis.

1.12 Provisions

Provisions are recognised when there is a present obligation as a result of a past event where it is probable that an outflow of resources will be required to settle the obligation and a reliable estimate of the amount of the obligation can be made.

1.13 Value added tax

The Information Commissioner is not registered for VAT as most activities of the Information Commissioner's Office are outside of the scope of VAT and fall below the registration threshold. VAT is charged to the relevant expenditure category, or included in the capitalised purchase cost of non-current assets.

1.14 Segmental reporting

The policy for segmental reporting is set out in note two to the Financial statements.

2. Analysis of net expenditure by segment

	Data protection £'000	Freedom of information £'000	2015/16 Total £'000
Gross expenditure	19,452	3,750	23,202
Income	(17,819)	—	(17,819)
Net expenditure	1,633	3,750	5,383

	Data protection £'000	Freedom of information £'000	2014/15 Total £'000
Gross expenditure	17,857	3,700	21,557
Income	(17,649)	—	(17,649)
Net expenditure	208	3,700	3,908

All expenditure is classed as administrative expenditure.

The analysis above is provided for fees and charges purposes and for the purpose of IFRS 8: Operating Segments.

The factors used to identify the reportable segments of data protection and freedom of information were that the Commissioner's main responsibilities are contained within the DPA and FOIA, and funding is provided for data protection work by collecting an annual registration fee from data controllers under the DPA, whilst funding for freedom of information is provided by a grant in aid from the DCMS.

The data protection registration fee is set by the Secretary of State, and in making any fee regulations under section 26 of the DPA, as amended by paragraph 17 of Schedule 2 to FOIA, he shall have regard to the desirability of securing that the fees payable to the Commissioner are sufficient to offset the expenses incurred by the Commissioner, the Information Tribunal and any expenses of the Secretary of State in respect of the Commissioner of the Tribunal, and any prior deficits incurred, so far as attributable to the functions under the DPA.

These accounts do not include the expenses incurred by the Information Tribunal or the Secretary of State in respect of the Commissioner, and therefore cannot be used to demonstrate that the data protection fees offset expenditure on data protection functions, as set out in the DPA.

Expenditure is apportioned between the data protection and freedom of information work on the basis of costs recorded in the ICO's accounting system. This allocates expenditure to various cost centres across the organisation. A financial model is then applied to apportion expenditure between data protection and freedom of information on an actual basis, where possible, or by way of reasoned estimates where expenditure is shared. This model is monitored by the DCMS.

3. Staff numbers and related costs (audited)

Staff costs comprise:

	Permanently employed staff	Others	2015/16 Total	2014/15 Total
	£'000	£'000	£'000	£'000
Wages and salaries	11,147	345	11,492	10,838
Social security costs	766	—	766	730
Other pension costs	2,212	—	2,212	1,808
Sub-total	14,125	345	14,470	13,376
Less recoveries in respect of outward secondments	(154)	—	(154)	(64)
Total net costs	13,971	345	14,316	13,312

Included in staff costs above are notional costs of £190k (2014-15: £190k) in respect of salary and pension entitlements of the Information Commissioner and the associated employers national insurance contributions which are paid directly from the Consolidated Fund, temporary agency staff costs of £345k (2014-15: £395k) as well as the amounts relating to the senior management team disclosed in the Remuneration report.

Average number of persons employed

The average number of whole time equivalent persons employed during the year was:

	Permanently employed staff	Temporarily employed staff	2015/16 Total	2014/15 Total
Directly employed	384	—	384	363
Agency staff	—	9	9	15
Total employed	384	9	393	378

Pension arrangements

The PCSPS is an unfunded multi-employer defined benefit scheme. The ICO is unable to identify its share of the underlying assets and liabilities. The Scheme Actuary valued the scheme at 31 March 2007. Details may be found in the resource accounts of the Cabinet Office Civil Superannuation (www.civilservice.gov.uk/pensions).

For 2015-16 employers contributions of £2,102k (2014-15: £1,753K) were payable to the PCSPS at one of four rates in the range 20-24.5% (2014-15 16.7% – 24.3%) of pensionable pay, based on salary bands. The Scheme's Actuary reviews employer contributions usually every four years following a full Scheme valuation. The contribution rates are set to meet the cost of benefits accruing during 2015-16 to be paid when the member retires and not the benefits paid during the period to existing pensioners.

Employers can opt to open a partnership account, a stakeholder pension with an employer contribution. Employers' contributions of £65K (2014-15: £33K), were paid to one or more of a panel of three appointed stakeholder pension providers. Employers' contributions are age related and range from 8% to 14.8% of pensionable pay. In addition, employers contributions of £2k (2014-15: £2.5k), 0.5% of pensionable pay, were payable to the PCSPS to cover the cost of future provision of lump sum benefits on death in service and ill health retirement of these employees.

Contributions due to partnership pension providers at the Statement of Financial Position date were £6.6k (2014-15 £nil). Contributions prepaid at the date were £nil (2014-15 £nil).

Pension costs include notional employers' contributions of £34K (2014-15: £34K) in respect of notional costs in respect of the Commissioner.

No individuals retired early on health grounds during the year.

4. Other expenditure

	2015/16		2014/15	
	£'000	£'000	£'000	£'000
Accommodation (business rates and services)	648		464	
Rentals under operating leases	778		809	
Office supplies and stationery	315		368	
Carriage and telecommunications	131		121	
Travel and subsistence	456		422	
Staff recruitment	69		50	
Specialist assistance and policy research	505		256	
Communications and external relations	673		700	
Legal costs	223		269	
Learning and development, health and safety	228		238	
IT Service delivery costs	2,338		2,230	
IT development costs	327		496	
Audit fees	33		32	
		6,724		6,455
Non-cash items				
Depreciation	1,001		970	
Amortisation	821		820	
Loss on disposal of assets	340		—	
		2,162		1,790
Total expenditure		8,886		8,245

5. Income

5a. Income from activities

	2015/16 £'000	2014/15 £'000
Fees	17,403	17,519
Sundry receipts	416	130
Total	17,819	17,649

5b. Consolidated Fund income

	£'000	2015/16 £'000	£'000	2014/15 £'000
Fees				
Collected under the Data Protection Act 1998	18,311		17,519	
Retained under direction as				
Income from Activities	(17,403)		(17,519)	
		908		—
Civil Monetary Penalties				
Penalties issued	2,529		1,129	
Early payment reductions	(142)		(167)	
Repaid following a successful appeal	—		—	
Cancelled after successful appeals	—		—	
Impairments	(815)		(205)	
		1,572		757
Sundry receipts				
Receipts under the Proceeds of Crime Act	—		27	
Grant income (repaid)	—		50	
Bank interest received	—		—	
Recovered legal fees	7		51	
Reimbursed travel expenses	22		22	
Conference fees	57		—	
Income receipts under the Data Retention and Investigatory Powers Act	330		30	
	416		180	
Sundry receipts retained under direction as				
Income from Activities	(416)		(130)	
		—		50
Income payable to Consolidated Fund		2,480		807
Balances held at the start of the year		315		938
Income payable to the Consolidated Fund		2,480		807
Payments to the Consolidated Fund		(828)		(1,430)
Balances held at the end of the year (note 11)		1,967		315

As set out in note 1.5, income payable to the Consolidated Fund does not form part of the Statement of Comprehensive Net Expenditure. Amounts retained under direction from the DCMS with the consent of the Treasury are treated as Income from Activities within the Statement of Comprehensive Net Expenditure. The amounts receivable at 31 March 2016 were £1,059k (2014-15:£143k) and the amounts payable were £1,059k (2014-15:£315k).

6. Property, plant and equipment

	Information technology £'000	Plant and machinery £'000	Leasehold improvements £'000	Assets under construction £'000	Total £'000
Cost or valuation					
At 01 April 2015	8,572	171	2,353	—	11,096
Additions	467	24	—	297	788
Transfers	—	—	—	—	—
Disposals	(1,482)	(19)	—	—	(1,501)
Revaluations	116	1	11	—	128
At 31 March 2016	7,673	177	2,364	297	10,511
Depreciation					
At 01 April 2014	7,443	144	1,680	—	9,267
Charged in year	644	15	342	—	1,001
Disposals	(1,142)	(19)	—	—	(1,161)
At 31 March 2016	6,945	140	2,022	—	9,107
Net book value at 31 March 2016	728	37	342	297	1,404
Asset financing					
Owned	728	37	342	297	1,404
Net book value at 31 March 2016	728	37	342	297	1,404

Property, plant and equipment (excluding assets under construction) are re-valued annually using appropriate current cost price indices published by the Office for National Statistics.

Included above are fully depreciated assets, in use with a gross carrying amount of £5,113k (2014-15: £26K).

During the year we wrote off IT assets to the value of £1,482k with a carrying value of £340k resulting in a loss of the same. The assets are no longer in use.

	Information technology £'000	Plant and machinery £'000	Leasehold improvements £'000	Assets under construction £'000	Total £'000
Cost or valuation					
At 01 April 2014	8,448	151	2,353	—	10,952
Transfers	—	—	—	—	—
Additions	35	15	—	—	50
Disposals	—	—	—	—	—
Revaluations	89	5	—	—	94
At 31 March 2015	8,572	171	2,353	—	11,096
Depreciation					
At 01 April 2014	6,752	127	1,344	—	8,223
Charged in year	621	13	336	—	970
Disposals	—	—	—	—	—
Revaluations	70	4	—	—	74
At 31 March 2015	7,443	144	1,680	—	9,267
Net book value at 31 March 2015	1,129	27	673	—	1,829
Asset financing					
Owned	1,129	27	673	—	1,829
Net book value at 31 March 2015	1,129	27	673	—	1,829

7. Intangible assets

	Software licences £'000	Assets under construction £'000	Total £'000
Cost or valuation			
At 01 April 2015	3,320	—	3,320
Additions	76	—	76
Disposals	(26)	—	(26)
Transfers	—	—	—
At 31 March 2016	3,370	—	3,370

Amortisation			
At 01 April 2015	1,519	—	1,519
Charged in year	821	—	821
Disposals	(26)	—	(26)
At 31 March 2016	2,314	—	2,314

Net book value at 31 March 2016	1,056	—	1,056
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Asset financing			
Owned	1,056	—	1,056
Net book value at 31 March 2016	1,056	—	1,056

Included above are fully depreciated assets, in use with a gross carrying amount of £33k (2014-15: £56k).

Cost or valuation			
At 01 April 2014	3,036	—	3,036
Additions	767	—	767
Disposals	(483)	—	(483)
Transfers	—	—	—
At 31 March 2015	3,320	—	3,320

Amortisation			
At 01 April 2014	1,182	—	1,182
Charged in year	820	—	820
Disposals	(483)	—	(483)
At 31 March 2015	1,519	—	1,182

Net book value at 31 March 2015	1,801	—	1,801
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Assets financing			
Owned	1,801	—	1,801
Net book value at 31 March 2015	1,801	—	1,801

8. Financial instruments

As the cash requirements of the Information Commissioner are met through fees collected under the DPA and grant in aid provided by the DCMS, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body.

The majority of financial instruments relate to contracts to buy non-financial items in line with the Information Commissioner's expected purchase and usage requirement and the Information Commissioner is therefore exposed to little credit, liquidity or market risk.

The Information Commissioner does not face significant medium to long-term financial risks.

9. Trade receivables and other current assets

	31 March 2016 £'000	31 March 2015 £'000
Amounts falling due within one year		
Trade debtors	102	99
Deposits and advances	5	6
Prepayments and accrued income	1,225	1,156
Sub-total	1,332	1,261
Consolidated Fund receipts due	1,874	143
less amounts impaired (note 5b)	(815)	—
	1,059	143
	2,391	1,404
Split		
Other central government bodies	82	—
Local authorities	219	217
Bodies external to government	2,090	1,187
	2,391	1,404

10. Cash and cash equivalents

	31 March 2016 £'000	31 March 2015 £'000
Balance at 01 April	2,699	2,903
Net change in cash and cash equivalent balances	109	(204)
Balance at 31 March	2,808	2,699

Split:

Commercial banks and cash in hand	1,661	2,694
Government Banking Service	1,147	5
Balance at 31 March	2,808	2,699

11. Trade payables and other current liabilities

	31 March 2016 £'000	31 March 2015 £'000
Amounts falling due within one year		
Taxation and social security	249	241
Trade payables	227	721
Other payables	742	743
Accruals and deferred income	300	301
Sub-total	1,518	2,006
Amount payable to government (note 5b)	1,967	315
Balance at 31 March	3,485	2,321

Split:

Sponsor department – DCMS	1,967	315
Other central government bodies	262	710
Bodies external to government	1,256	1,296
Balance at 31 March	3,485	2,321

The amount payable to the sponsor department represents the amount which will be due to the Consolidated Fund when all of the income due is collected.

12. Provision for liabilities and charges

	Dilapidations		Early departure costs	
	2015/16	2014/15	2015/16	2014/15
	£'000	£'000	£'000	£'000
Balance at 01 April	510	510	62	70
Provided in year	95	—	10	—
Provision utilised in year	—	—	(9)	(8)
Balance at 31 March	605	510	63	62

Analysis of expected timing of discounted flow:

	Dilapidations		Early departure costs	
	2015/16	2014/15	2015/16	2014/15
	£'000	£'000	£'000	£'000
Not later than one year	605	—	9	—
Later than one year and not later than five years	—	510	54	38
Later than five years	—	—	—	24
Balance at 31 March	605	510	63	62

Dilapidations provision

The lease on the ICO main premises at Wycliffe House, Wilmslow expires on 1 January 2017. At this time there is a possibility that the ICO could move premises and the landlord would then have a claim for dilapidations. A provision has been made based upon the maximum that may be due from an assessment by GVA, commercial property advisers, dated January 2013 and updated this year to current prices.

The ICO also occupies government properties in Edinburgh and Cardiff under Memorandum of Terms of Occupation agreements ending 2016 and 2024 respectively. Under these agreements, the ICO may have dilapidations liabilities at the end of the term of occupation, however, these are considered to be immaterial.

Early departure costs

The additional cost of benefits, beyond the normal PCSPS benefits in respect of employees who retire early, are provided for in full when the early departure decision is approved by establishing a provision for the estimated payments discounted by the Treasury discount rate of 1.37% (2014-15: 1.3%). The estimated payments are provided by MyCSP.

13. Capital commitments

There were no capital commitments in the year ending 31 March 2016 (2014-15 £nil).

14. Commitments under operating leases

The ICO leases properties in Wilmslow and Belfast under non-cancellable operating lease agreements. The lease in Wilmslow expires on 1 January 2017 and Belfast on 4 February 2018. Both leases have no option to purchase and no specific renewal terms. Renewals are negotiated with the lessor in accordance with the provisions of the individual lease agreements.

	31 March 2016	31 March 2015
Total future minimum lease payments under operating leases are:	£'000	£'000
Buildings		
Not later than one year	571	727
Later than one year and not later than five years	22	564
Later than five years	—	—
	593	1,291

The minimum lease payments are determined from the relevant lease agreements and do not reflect possible increases as a result of market based reviews. The lease expenditure charged to the Statement of Comprehensive Net Expenditure (SoCNE) during the year is disclosed in note four.

15. Related party transactions

The Information Commissioner confirms that he had no personal business interests which conflict with his responsibilities as Information Commissioner.

During the financial year 2015-16, until 17 September 2015 the MOJ, and the DCMS thereafter, was a related party to the Information Commissioner.

During the year no related party transactions were entered into, with the exception of providing the Information Commissioner with grant in aid and remitting receipts collected on behalf of the Consolidated Fund. Details of the Commissioner's remuneration and pension entitlement are disclosed in the remuneration report earlier in the document and note 3 to the Financial Statements.

None of the key managerial staff or other related parties has undertaken any material transaction with the Information Commissioner during the year.

16. Contingent Liabilities

There are no contingent liabilities at 31 March 2016 (2015: none).

17. Events after the reporting period

Christopher Graham's tenure as Information Commissioner ended on 28 June 2016. Simon Entwisle, as Deputy Information Commissioner, took over the responsibilities of the Information Commissioner from 29 June pending the newly appointed Information Commissioner, Elizabeth Denham, taking up post.

The results of the EU referendum are now known, and whilst there will be an impact on data protection regulation from the EU referendum result, the current data protection regulatory regime was to remain in place until EU data protection reforms were implemented in May 2018. This means that for the next financial year at least there are not expected to be any major changes in UK data protection regulation and the role of the ICO.

There were no other events between the Statement of Financial Position date and the date on which the accounts were authorised for issue, which is interpreted as the date of the Certificate and Report of the Comptroller and Auditor General.

The Accounting Officer authorised these financial statements for issue on 28 June 2016.

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