

Executive Team minutes

Monday 21 October

Members and other attendees present

Christopher Graham	Information Commissioner
Daniel Benjamin	Director of Corporate Services
David Smith	Deputy Commissioner and Director of Data Protection
Graham Smith	Deputy Commissioner and Director of Freedom of Information
Simon Entwisle	Director of Operations
Mike Collins	Head of Organisational Development
Peter Bloomfield	Senior Corporate Governance Manager
Hannah Cutler	Corporate Governance Officer (secretariat)

1. Introductions and apologies

There were no introductions or apologies.

ET members expressed concern over the late circulation of the agenda and papers for this meeting.

Decision: In line with previously agreed practice the latest time for submission of papers for ET to the secretariat will be lunchtime on the Wednesday preceding the meeting with circulation to members taking place by the end of that day. Where business is urgent and important, or in other exceptional circumstances, late submission will be allowed with the leave of the Chair.

2. Draft minutes of the previous meeting and matters arising

The draft minutes were agreed subject to a minor amendment.

Actions from 7 October

Action point 1 and 3, to bring to this meeting paper and discussion on the IT budget, is outstanding due to workloads.

Action point 1: Secretariat to add to the agenda for the 18 November the IT budget and invite Dave Wells and Andy Cryer to attend.

Action point 2, Project Eagle group to amend the key messages in line with the discussions and regularly update ET on implementation, is complete. Simon Entwisle has attended a recent group meeting to discuss the changes and the group now includes the Head of Corporate Affairs.

3. Organisational Development

Pay Proposals

Issues: ET reviewed the pay proposals and discussed the impacts and benefits for staff.

Commencement of section 108(3)

Issues: ET discussed the impact of section 108(3) of the Protection of Freedoms Act; this removes the requirement on the DPA for the Commissioner to seek agreement from the Secretary of State for changes to staff numbers terms and conditions. The ICO remains subject the framework agreement and treasury guidelines. **Decision:** Daniel Benjamin to respond to the Trades union questions regarding implications of section 108(3).

Grading policy

Issues: What broad principles should be applied to the ICO's review of its current job grading policy.

Decision: That the policy should be based on using a small grading panel drawn from members of the Leadership Group and chaired by the new Head of People and Finance.

Action point 2: Daniel Benjamin and Mike Collins to draft the new grading policy and report back to ET at the next meeting on 18 November.

4. MOJ Spending Controls

Issues: MOJ expenditure restrictions have imposed a 50k limit on a single IT or communications transaction. ET discussed how the cap might impact on the ICO and current projects. Further understanding of how the approval process will work is needed.

Decisions: ET reluctantly agreed that the ICO must accept some spending controls. CG and DB to discuss the process for sign off and the impact on the ICO.

5. ICO Plan

Issues: To follow up from the Management Board (MB) strategy day ET had a brief discussion on the next actions.

Action point 3: Peter Bloomfield to circulate his notes of the strategy day meeting and begin drafting the presentation to MB and ICO plan.

6. Risk Register

Issues: The risk register needs to be reviewed prior to the MB meeting on the 4 November by Thursday 24 October. Further mitigating actions need to be discussed for some of the risks and the recent tribunal outcome may have an impact on PECR work and CMPs.

Decision: Risk register to be reviewed as the ICO Plan develops.

7. Any other urgent business

- For government data sharing initiatives the ICO has reviewed the costs and impacts on workloads.
- First-Tier Tribunal Judge has decided to overturn the monetary penalty issued to Christopher Niebel of Tetras Telecoms over its sending of thousands of spam texts. The ICO is considering the broader implications of this and how it impacts on our PECR work. This result supports the ICO case to change the law on nuisance calls and texts.

- Security Awareness week begins on the 4 November and communications will be given to staff, some refresher training will be completed.

8. Review of decisions on publication of papers

ET agreed to proactively publish the previous minutes and actions.

9. Key messages

1. The ICO pay remit has now been finalised and agreed with the MOJ and discussions with trades unions will take place.
2. At this meeting ET discussed the broader implications of the recent First Tier Tribunal outcome where the judge has decided to overturn the monetary penalty issued to Christopher Niebel of Tetras Telecoms. Mr Niebel was originally fined £300,000 back in November 2012 over his sending of thousands of spam texts.
3. Last week the ICO's Management Board met for a strategy day to begin work on the 2014/17 ICO Plan. The day was a great success and work has now begun on creating a draft of the ICO Plan.