

## **Information Rights Committee minutes**

Tuesday 11 November 2014

### **Members and other attendees present**

Andy Laing	Head of Performance Improvement
Anne Jones	Assistant Commissioner – Wales
Christopher Graham	Information Commissioner
David Smith	Deputy Commissioner, Director of Data Protection
Jonathan Bamford	Head of Strategic Liaison
Ken Macdonald	Assistant Commissioner – Scotland and Northern Ireland
Louise Byers	Head of Good Practice
Paul Arnold	Head of Customer Contact & Business Development
Robert Parker	Head of Corporate Affairs
Steve Eckersley	Head of Enforcement
Steve Wood	Head of Policy Delivery
Peter Bloomfield	Senior Corporate Governance Manager (Secretariat)
Neil Bostock	Corporate Governance Officer (Secretariat)

### **1. Introductions and apologies**

- 1.1. Apologies were received from Simon Entwisle and Graham Smith.

### **2. Matters arising from the previous meeting**

#### Minutes

- 1.2. No comments were received on the minutes.

#### Action points

- 1.3. It was agreed that the one action point shown as outstanding was now complete. Revised Priority Area Action Group (PAAG) terms of reference were coming to this meeting at item 5.

### 3. Areas for monitoring

#### Issue

- 1.4. The four specific areas the committee had agreed to monitor on a regular basis were considered.
- 1.5. **Effective use of civil monetary penalties** –
  - 1.5.1. Appeals are due to be heard shortly relating to PECR cases where substantial distress needs to be shown.
  - 1.5.2. A consultation has been launched by DCMS on changing the threshold for enforcement action in PECR cases.
  - 1.5.3. The ICO has revised its statutory guidance on civil monetary penalties which has been sent to the Ministry of Justice for consultation.
- 1.6. **Press engagement post Leveson** – Christopher Graham gave an update from the Society of Editors conference he had just attended.
- 1.7. **NHS and other wider structural changes in the public sector** – Jonathan Bamford gave an update on a case involving the transfer of medical data. There was also discussion on ensuring data protection compliance in the health service and on joint working between Health Boards and Local Authorities in Scotland. The current reorganisation of local government in Northern Ireland and the devolution of planning to the new councils was drawn to the Committee's attention.
- 1.8. **Take down of search engine links** – The number of complaints received about decisions not to remove search engine links remains lower than might have been expected. Discussion continues on finalising decision criteria.

#### Decisions

- 1.9. It was decided that the four areas above should remain as areas for monitoring until further notice.

### 4. Data Protection Practitioner Conference

#### Issue

- 4.1. Jonathan Bamford presented a paper on whether protecting individuals would be an appropriate theme for the 2015 Data Protection Practitioner Conference.

#### Decisions

- 4.3. IRC agreed that delivering data protection for individuals in practice would form the theme for the conference but with this linked to the importance of practical protection in ensuring consumer trust and confidence in a digital economy.

## **5. Priority Area Action Group terms of reference**

### Issue

- 5.1. At the last meeting David Smith had been asked to ensure that the terms of reference for PAAGs reflected agreed changes in how their groups operate.

### Decisions

- 5.2. The revised terms of reference were agreed.
- 5.3. IRC thanked Kai Winterbottom for his work as chair of the Small and Medium Sized Enterprises PAAG. The chair was now Garreth Cameron.

## **6. Privacy seals project**

### Issue

- 6.1. Two meetings of the project board had been held since the last IRC and Steve Wood updated the committee on the work carried out in this time. Highlights include:
  - 6.1.1. Squad have been commissioned to work on the overall branding for the scheme.
  - 6.1.2. Responses to the consultation on the framework criteria for the scheme have been collated.
  - 6.1.3. The project board met with UKAS in September and members were shown an UKAS presentation on how they will work with the ICO on this project.
  - 6.1.4. A presentation on the project had been given to Non-executive Directors with a follow up meeting arranged to cover issues raised. This had been a very helpful meeting.
- 6.2. The invitation for proposals will go out early in 2015.

## **7. Research**

### Issue

- 7.1. The committee were asked for updates on current research projects and their budgets.
- 7.2. The research budget had covered the work on branding for the privacy seals project, and the recent Annual Track survey. In addition it was confirmed that funding for the research to support development of a revised notification fee structure was available.
- 7.3. There followed a discussion on possible delays in commissioning research due to a lack of procurement resources and whether it was possible to alleviate the workload.

## Actions

- 7.4. Louise Byers to consider further whether or not more resources would speed up the commissioning of research projects, and if so whether they could be provided.

## **8. Key information rights developments**

- 8.1 The Management Board Information Rights report was presented for information.
- 8.2 Preliminary funding from the Home Office for the ICO's role under the Data Retention and Investigatory Powers Act had been approved at £320K; recruitment will start in the new year for the posts.
- 8.3 Jonathan Bamford explained there may be a slight delay to the original plan for Section 56 of the Data Protection Act to come into force on 1 December 2014.

## **9. Any other business**

- 9.1. David Smith gave an update on the recent International Conference of Data Protection and Privacy Commissioners.
- 9.2. Christopher Graham raised the difficulty in viewing privacy notices when accessing free Wi-Fi. The matter would be referred to Simon Rice.
- 9.3. Steve Wood updated the committee on his work in support of the Ghana Data Protection Commission (DPC), which was launching week commencing 17 November. A letter would be drafted to congratulate the DPC on their launch.

## **10. Key messages**

Key messages were agreed in the areas of:

- The committee heard an update from the Privacy Seals Project Board. Work is on track to launch a scheme by which the ICO would endorse a third party to operate a privacy seal scheme. Publication of the invitation for proposals is likely to be in the early part of 2015.
- There was discussion about the theme for the Data Protection Practitioners Conference in March 2015. It was agreed that there should be a focus on the individual in the digital age.
- The committee highlighted the support the ICO had given to the Ghana Data Protection Commission and welcomed the news that the DPC would formally launch week commencing 17 November.