

Information Rights Committee minutes **Monday 16 November 2015**

Members and other attendees present

Andy Laing	Head of Performance Improvement
Anne Jones	Assistant Commissioner - Wales
Christopher Graham	Information Commissioner
David Smith	Deputy Commissioner and Director of Data Protection (chair)
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 and Business Services
Robert Parker	Head of Corporate Affairs
Simon Entwisle	Deputy Chief Executive Officer and Deputy Commissioner
Steve Eckersley	Head of Enforcement
Steve Wood	Head of Policy Delivery
Neil Bostock	Corporate Governance Officer (Secretariat)

1. Introductions and apologies

- 1.1. There were no apologies.

2. Matters arising from the previous meeting

Minutes

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

Action points

- 2.2. All action points had been cleared.

3. Areas for monitoring

Issue

- 3.1. The four specific areas the committee had agreed to monitor on a regular basis were considered.
- 3.2. **Effective use of civil monetary penalties (CMPs) –**
 - 3.2.1. In the last quarter the Optical Express appeal had been heard by the first tier tribunal and found in favour of the ICO.
 - 3.2.2. The Reactive Media appeal had been refused by the second tier tribunal.
 - 3.2.3. The CMP for Helms was awaiting the first tier tribunal decision.
 - 3.2.4. Pharmacy 2 U had paid their CMP.
- 3.3. **Data Sharing**
 - 3.3.1. There were no specific matters of concern in this area as government departments are reluctant to say anything until after the Government's Autumn financial statement has been announced.
- 3.4. **Take down of search engine links**
 - 3.4.1. A preliminary enforcement notice had been issued to Google. A decision on whether Google will appeal is not known.
- 3.5. **NHS and other structural changes in the public sector**
 - 3.5.1. This area will continue to be monitored as decisions on further devolution are made.

4. ICO's evidence to the Freedom of Information Commission.

Issue

- 4.1. On behalf of the ICO, Steve Wood presented a draft submission of evidence for the Burns' Freedom of Information Commission. The deadline for submissions was Friday 20 November.
- 4.2. IRC members had been asked to comment on the overall tone of the document and offer any potential alterations.

Decisions

- 4.3. The Commissioner wanted to place on record his thanks for the excellent work carried out in producing this evidence.
- 4.4. It was agreed to include the outstanding recommendations from the ICO's 2012 evidence to the FOI Justice Committee as an appendix, rather than in the body of the report.

Actions

- 4.5. Corporate Affairs would publish the report on the ICO website on the morning of Tuesday 17 November.

5. Research

Issue

- 5.1. Members were asked for updates on current research projects and their budgets.
- 5.2. The research into identity fraud, and information rights into higher education was ongoing.
- 5.3. Other projects in development included a new round of the customer satisfaction survey, and the Privacy Notices code of practice would go out to a public focus group.
- 5.4. In terms of budget there was money available for all current research projects.

Actions

- 5.4 Steve Wood would speak to Vicki Heath about getting the tender out for the Higher Education research project.

6. Key information rights developments

- 6.1. The Management Board information rights report was presented for information.
- 6.2. Jonathan Bamford wanted to put on record his thanks to the team that worked on the recent National Data Guardian workshop at the Wilmslow office.
- 6.3. ICO have received a draft version of the Electronic Identification and Trust Services (eIDAS) Regulations. A decision was needed whether ICO can transfer its powers, in particular the power to issue CMPs, to enforce the regulations.

7. Any other business

- 7.1. It was noted that the Direct Marketing Authority (DMA) had approached the ICO to help with a project in having DMA members agree to be audited. This would involve approximately 200 companies in all and full details were being explored.
- 7.2. This meeting was David Smith's last Information Rights Committee as he was retiring shortly from his role as Deputy Commissioner for Data Protection. Christopher Graham thanked David for his work and dedication to the data protection community for many years.