

Senior Management Team minutes Monday 23 January 2017

Members and attendees

Andy Laing	Head of Performance Improvement
Anulka Clarke	Interim Head of Good Practice
Elizabeth Denham	Information Commissioner (chair)
Jo Pedder	Interim Head of Policy Delivery
Jonathan Bamford	Head of Strategic Liaison
Ken Macdonald	Head of ICO Regions
Michael Collins	Head of Organisational Development
Paul Arnold	Interim Deputy Chief Executive Officer
Robert Parker	Head of Corporate Affairs
Simon Entwisle	Deputy Commissioner and Deputy Chief Executive Officer
Steve Eckersley	Head of Enforcement
Steve Wood	Interim Deputy Commissioner (Policy)
Peter Bloomfield	Senior Corporate Governance Manager
Neil Bostock	Corporate Governance Officer (secretariat)

1. Introductions and apologies

There were no apologies.

2. Matters arising from the previous meeting

Minutes

The minutes of the last meeting were agreed subject to minor amendments.

3. ICO intervention in the High Courts policy

Issue

Steve Wood presented a proposed policy for deciding on when it might be appropriate for the Commissioner to intervene in court cases.

It was considered that interventions in court proceedings may become more important with the implementation of GDPR as the

Commissioner might need to assist the courts more often than now in interpreting the new legislation.

Decision

The policy was adopted by SMT.

4. Certification strategy

Issue

Gemma Farmer presented a paper that recommended a strategy for progressing the ICO's accreditation and certification change project to deliver data protection certification mechanisms, and seals and marks, under sections 42 and 43 of the GDPR.

A recent review by Good Practice made three recommendations for how to best deliver the strategy.

The paper recommended Option 1 (certification issued by the ICO in specific areas) and/or Option 3 (externally delivered, ICO approved, privacy seal certification schemes).

Actions

Anulka Clarke and Gemma Farmer were asked to provide the Commissioner with a further briefing in the next two weeks, ahead of a decision being made by the Senior Leadership Team.

5. Information Rights and performance against ICO plan

Issue

The Information Rights report and Performance against the ICO plan were provided for information.

SMT had asked that these two reports be brought in advance of Management Board meetings.

Actions

There were no actions taken.

6. The Directive on security of network and information systems (the NIS Directive)

Issue

The NIS Directive requires a competent authority to be responsible for publishing guidance on risk management, receiving cybersecurity incident reports, and deciding whether incidents

should be made public. DCMS have approached the ICO for their views on becoming the competent authority under NIS, with a possibility that Ministers may formally approach the Commissioner soon.

SMT was asked to consider whether, if asked, it was in the interest of the ICO to take this work on and to inform the initial view that the ICO needs to provide to DCMS by 1 February.

A paper was provided setting out the opportunities and risks presented by the proposal and using the general ICO criteria for assessing new functions.

Decisions

SMT agreed that it presented a good opportunity to strengthen cyber practice and regulation, and would be a good fit with existing and future responsibilities, particularly under GDPR. There would be an opportunity to scale up from existing change projects e.g. breach notification. The significant challenges of taking on this work were noted, including resourcing and the broader scope of the regulatory role, beyond protecting personal data. Addressing the funding issue would be a key ICO requirement.

Actions

SMT agreed that the ICO should express its interest in the role, setting out the case for the fit with its functions. A small sub-group of Department Heads would be established to progress this area of work, this will include identification of key questions for DCMS. A final decision will be made by the Senior Leadership Team (SLT).

7. Any Other Business.

Paul Arnold gave an update on the progress made by the newly formed Corporate Governance working group; tasked with reviewing the ICO's corporate governance framework. A full paper will be taken to Management Board on Monday 6 February.

Paul Arnold also briefed SMT on the new Travel and Subsistence policy, created in consultation with regular travellers' feedback.

