

Management Board minutes

18 May 2020

Members and other attendees present

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| Paul Arnold | Deputy Chief Executive Officer |
| Ailsa Beaton | Non-executive Director |
| Louise Byers | Director of Corporate Risk and Governance |
| David Cooke | Non-executive Director |
| James Dipple-Johnstone | Deputy Commissioner (Regulatory Supervision) |
| Elizabeth Denham | Information Commissioner (Chair) |
| Peter Hustinx | Non-Executive Director |
| Jane McCall | Non-executive Director |
| Simon McDougall | Executive Director – Technology and Innovation |
| James Moss | Acting General Legal Counsel |
| Steve Wood | Deputy Commissioner (Regulatory Strategy) |
| Nicola Wood | Non-executive Director |
| Christopher Braithwaite | Senior Corporate Governance Manager (secretariat) |
| Caroline Robinson | Corporate Governance Officer (secretariat) |

1. Introductions and apologies

There were no apologies for absence.

Elizabeth Denham welcomed James Moss to his first Board meeting in his role as Acting General Legal Counsel.

2. Declaration of interests

2.1. There were no declarations of interest.

3. Matters arising from the previous meeting

3.1. The minutes were confirmed as accurate. There were no outstanding actions.

4. Commissioner's introduction

4.1. The Commissioner highlighted issues of importance for the ICO not covered elsewhere in the agenda. In particular she highlighted the effects of lockdown on staff from a hearts and

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mind perspective. There had been a positive response to the way the ICO has been supporting the staff and providing flexibility in working patterns. It is essential however to continue to support staff and to ensure their resilience in the future.

- 4.2. The Commissioner also gave an update on the ICO's regulatory forbearance approach, appearances at Select Committees, GPA work recently undertaken and recent meeting with the Secretary of State for Culture, Media and Sport.
- 4.3. David Cooke commented on the implications of the Covid-19 pandemic both on the current regulatory landscape and future privacy legislation. He commented that these were issues which the Board would need to keep a high level of awareness on, as it would have a substantial impact on the future of the ICO.
- 4.4. Elizabeth Denham agreed that these are challenging times for the ICO, given the role that personal data may have in combatting the pandemic.

5. Discussion items

Prioritisation in the context of Covid-19

- 5.1. Paul Arnold provided an update on the recently agreed prioritisation in the context of Covid-19 and the process carried out to agree the priorities.
- 5.2. Peter Hustinx commented that the prioritisation was justified and well carried out.

Jane McCall felt that it would be helpful if there was a timeframe to cover the review of the priorities and it is important that they link into the Information Rights Strategic Plan.

- 5.3. Simon McDougall provided an update on the current work the ICO has been involved in relation to contact tracing, in the context of managing the Covid-19 pandemic. The Board noted that the ICO's role at this point had been providing advice, and that this was an appropriate role for the ICO at this stage. The Commissioner commented that contact tracing was likely to require further discussion at board level as the issue progressed.

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Action: Simon McDougall to send the letter to the NHS outlining the ICO's position on contract tracing to the NEDs, and to arrange a further briefing for the NEDs if appropriate.

Regulatory Posture

- 5.4. James Dipple-Johnstone provided an update on the regulatory posture and confirmed that it was due to be reviewed in June, with the focus moving to regulatory posture beyond the emergency phase and into recovery.
- 5.5. There has been a significant growth in high risk work, with a particular surge in demand for cyber. The regulatory posture position has been helpful for navigating through the current process.
- 5.6. James Dipple-Johnstone confirmed that although regulatory action and audits in relation to surveillance and Adtech have been paused, the work internally on these issues continued whilst capacity allows. This would allow the ICO to start to progress this work at the appropriate point once the pandemic eased. David Cooke noted that these were areas of significant concern to civil society.

Data Prospects Update

- 5.7. Steve Wood provided an update on the data prospects workstream and stated that it is closely linked to the constitutional review which is due to be discussed in the afternoon session.
- 5.8. The Board agreed that it would be useful to provide the Non-Executive Directors with a more in-depth briefing on the ICO's strategic position and the choices available.

Action: Steve Wood and Simon McDougall to facilitate a strategic discussion with the NEDs on this subject.

6. Strategic Performance Reports

Business Continuity Programme Update

- 6.1. Paul Arnold presented the business continuity report showing the work carried out in recent weeks and months in relation to business continuity.
- 6.2. Paul Arnold commented that the ICO had managed the situation well and he has been very pleased and proud with

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how the Business Continuity Team and all staff have responded to the situation and are continuing our work. Ailsa Beaton said that the Audit Committee had made similar comments at their meeting in April.

- 6.3. The Board agreed that the response to the Covid-19 emergency has been seamless and it is important that the ICO continues to support staff and their wellbeing in relation to time off and managing the move back into the office, when the time comes.

7. Finance

Management Accounts

- 7.1. Paul Arnold presented the year-end financial report which resulted in a small surplus, due in the main to a significant growth in the registration fees in the second half of the year.
- 7.2. Ailsa Beaton congratulated the team on turning the financial position from a concerning position mid-year to a positive one by year-end.

Updated Budget

- 7.3. Paul Arnold presented the 2020/21 budget which has been revised in context of Covid-19 and provided an update on the discussions with DCMS relating to this year's financial position.
- 7.4. Paul Arnold explained that the key current issues were the pay review for 2019/20 and staff recruitment.

8. Risk and opportunity management

- 8.1. Given the time available in the meeting, it was agreed that members of the Board would email any comments to Louise Byers.

9. Annual Report

- 9.1. Given the time available in the meeting, it was agreed that members of the Board would email any comments to Louise Byers.
- 9.2. It was confirmed that Part B of the Annual Report had recently been reviewed at Audit Committee.

10. Progress with governance changes

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10.1. Given the time available in the meeting, the Board agreed to discuss this during the informal session in the afternoon.

11. Any other business

11.1. There were no items to consider under any other business.