

Management Board minutes

Monday 21 January 2013

Members and other attendees present

Daniel Benjamin	Director of Corporate Services
Simon Entwisle	Director of Operations
Christopher Graham	Information Commissioner (chair)
Andrew Hind	Non-executive Director
Neil Masom	Non-executive Director
Jane May	Non-executive Director
Enid Rowlands	Non-executive Director
David Smith	Deputy Commissioner Data Protection
Graham Smith	Deputy Commissioner Freedom of Information
Peter Bloomfield	Senior Corporate Governance Manager (secretariat)

1. Introductions and apologies

- 1.1. There were no apologies.

2. Declaration of interests

- 2.1. There were no declarations of interest.

3. Action points from the Management Board meeting of the 29 October 2012

- 3.1. There were no comments on the minutes which had already been agreed and published. Action points had been cleared.

4. Commissioner's forward look

- 4.1. The Commissioner presented the Board with his views on issues affecting the ICO. This was also an opportunity to reflect more generally on how the ICO was placed
- 4.2. Issues discussed included the continuing pressure on grant in aid and the scope for changing the way the ICO is funded. There is a need to look at funding options and this is being taken forward by Executive Team. Given the tight funding for freedom of information work it is recognised that the ICO would have to prioritise its work.
- 4.3. There is much uncertainty at present for the ICO, for example in the future shape of European legislation but this provides opportunities as well as risks. The consensus is that the ICO is better placed than most organisations to make the most of the uncertainty.
- 4.4. How the ICO is viewed was also considered. The need to be seen as providing solutions for individuals rather than problems for organisations was highlighted.

5. Response to Leveson

- 5.1. The response to the Leveson Inquiry recommendations and the associated work plan were presented to the Board for information and discussion.
- 5.2. The financial impact on the ICO from work it might have to do in response to the Inquiry and any future changes in data protection legislation was raised. Any extra work would not affect the apportionment model for 2013/14 as resources had already been moved from freedom of information to data protection work.

6. IT re-procurement

- 6.1. Daniel Benjamin updated Management Board on IT re-procurement. There were some issues to finalise, but contract negotiations were on track and financial objectives should be met.

7. ICO Plan 2013-2016 and Budget 2013/14

- 7.1. The draft ICO Plan 2013-2016 had been amended since the last Management Board and was currently out for consultation with the Ministry of Justice, staff, and stakeholders. It was supported by a draft budget for

2013/14. The consultation closes at the end of January and subsequent drafts of the ICO Plan will be circulated to Management Board members. The consultation drafts were presented here for any comments.

7.2. The ICO's work was all about protecting individuals' information rights but there were concerns that the ICO Plan might not adequately reflect this; eg that individuals who had their data stolen were victims and might be eligible for compensation. Various models for providing compensation were explored.

7.3. There were no comments on the budget.

Action 1: Christopher Graham to include the themes discussed in the introduction and to share the draft plan with Management Board members before it was finalised.

8. Key metrics

8.1. At the Management Board strategy day in November it had been suggested that there were nine key issues that the Executive Team needed to focus and report on during 2013/14. These have been discussed by the Executive Team and it was proposed that the Executive report back on these issues at each Management Board.

8.2. The proposal was thought helpful, especially as a way of ensuring that softer issues were focused on; possibly more as a conversation than a report and also spread throughout the year rather than discussing every issue quarterly.

8.3. The links between the issues, the ICO risks and the Commissioner's forward look was noted. There is also a link with Executive Team appraisal.

Action point 2: Christopher Graham to decide on how best to use the identified key metrics.

9. Performance against the ICO Plan 2012/13

9.1. The report on performance against ICO Plan for the third quarter was presented for information. Exploring an alternative funding model for the ICO remains a high priority.

10. Finances – quarterly income and expenditure report

- 10.1. Daniel Benjamin updated the Board on income and expenditure to date. The picture was broadly positive with fee income ahead of plan. In terms of expenditure the ICO was expecting to be close to outturn.

11. Issues reports

Operations

- 11.1. Simon Entwisle reported on operational performance over the last quarter. Performance had not been as strong as expected.

Information rights

- 11.2. Many of the major information rights issues had already been covered. The result of a recent appeal against the ICO's issuing of a civil monetary penalty was noted as being helpful to the ICO; it confirmed that the ICO had the power to issue penalties when the breach of the Data Protection Act was self-reported.

- 11.3. The work Steve Wood was doing in respect of the EU data protection regime changes was noted as being very helpful and Steve was thanked for this.

Corporate Affairs

- 11.4. The Corporate Affairs report was noted.

Organisational Development

- 11.5. The Organisational Development report was noted. There was a brief update on equality and diversity work, and the change in focus to external rather than internal measures such as the targeting of information at different communities.

12. Management Board self-assessment

- 12.1. The members had been asked to complete a questionnaire to inform the Management Board self-assessment. Issues raised included the need for deadlines for papers being met, ensuring membership was balanced when non-executive directors were rotated, and the highlighting of key issues and risks in papers coming to the Board.

Action point 3: Secretariat to amend the cover sheet to better highlight the key issues and risks.

13. Risk management

- 13.1. A paper identifying areas of uncertainty for the ICO, and hence risk, had been discussed at Executive Team and was presented to the Board for information and comment. It had been followed by a first draft of a revised risk register which reflected discussion at Executive Team.
- 13.2. Discussion centred on the risk about staff retention, development and morale. It was agreed that this risk would need to be reconsidered in light of the recent staff pulse survey and any actions coming out of this.

14. Executive Team meetings

- 14.1. The minutes of Executive Team meetings were presented for information.

15. Audit Committee meetings

- 15.1. The minutes of the last Audit Committee meeting were presented for information.

16. Any other urgent business

- 16.1. There was an update on the Consultants Database issue.