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Information Commissioner's Office

Management Board minutes
Monday 4 November 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
Enid Rowlands	Non-executive Director
David Smith	Deputy Commissioner Data Protection
Steve Wood	Head of Policy Delivery
Ian Watmore	Non-executive Director
Peter Bloomfield	Senior Corporate Governance Manager (secretariat)

2. Introductions and apologies

2.1.   There were apologies from Graham Smith. Steve Wood attended in his stead.

2.2.   Ian Watmore was welcomed to this, his first, Management Board meeting as a non-executive director.

3. Declaration of interests

3.1.   There were no declarations of interest.

4. Action points from the Management Board meeting of the 22 July

4.1.   Action point 5 from the April meeting relates to making performance reporting to Management Board more objective.

This work remained on-going, linked as it is to the development of plans for next year.

4.2. The Commissioner updated the Board on work on long term funding models. The workshop with the Ministry of Justice had been held and the ICO was now working with officials on a submission to ministers.

4.3. Action point 3 from the July meeting is to prepare a budget for 2014/15. Executive Team will discuss a draft budget at its meeting on 18 November and this will be copied to the non-executives shortly afterwards. The key assumption for the budget was that grant in aid would be reduced to £3.75m as detailed in the current spending review.

Action point 1: Christopher Graham to copy the draft budget to the non-executives.

5. Commissioner's forward look

5.1. The Commissioner presented the major issues affecting the ICO. The range of issues demonstrated that the ICO was very busy, both operational and in terms of policy, and that its influence reached into all areas of national life.

5.2. The number of technological related issues was noted and the work of the ICO's Technological Review Panel was clarified. The panel consists of eight members appointed by specific organisations. It was a useful sounding board for the ICO, meeting formally twice a year.

5.3. Whether or not the pace of technological change constituted a corporate risk was questioned. The impact from new and emerging technologies on information rights are identified by the ICO's Information Rights Committee. It was also noted that the reputational risk to the ICO from not being on top of technology was reduced by the work of the Technology Team.

5.4. The risk register was considered. It had been updated to reflect discussion at the recent strategy day. The budgeting risk status had worsened; other risks remained as was.

5.5. Project Eagle, looking at improving operational data protection work, is a mitigating action for risk 7 on rising data protection caseload. It is expected that much of the change being considered will be introduced by the end of the financial year. The difficulties in making changes to ongoing procedures were highlighted. There were also implications for the work of Policy Delivery and Strategic Liaison, and some

wider lessons learnt on staff engagement and agile project methodology.

6. Update on actions since the Management Board Strategy Day

6.1.   The note of the Strategy Day will be circulated shortly.

Action point 2: Peter Bloomfield to circulate the note of the meeting to non-executive directors.

6.2.   Since the meeting a high level statement of direction had been mapped out. The aim is to provide context, eg PESTLE and SWOT analysis, and the recent stakeholder research. It then details the ICO's aims for the next five years and how it hopes to achieve these aims; being expert, efficient, agile, joined-up, focused and delivering. And being focused did not mean following a rigid legislative approach but offering advice and guidance.

6.3.   The statement will be discussed at Leadership Group and then Executive Team before being presented to the Ministry of Justice and trade unions and then going out for external and internal consultation.

6.4.   It was considered that the agile section ought to be more about the ICO being able to respond quickly when needed. It is currently too focused on internal processes.

6.5.   The need to demonstrate wider use of sanctions (not just civil monetary penalties) was highlighted.

6.6.   Changes to the ICO goal and the efficiency section were suggested.

7. Performance against the ICO Plan 2013-2016

7.1.   Simon Entwisle advised that some entries to the report had not been updated. These errors relate to the measures and due date columns. The errors would be corrected.

Action point 3: Peter Bloomfield to ensure the report is corrected.

7.2.   The status of action 1.4, developing information rights training material and presentations for use by organisations when training their own staff, was questioned. This is shown as "green" as whilst there are questions about timing, the action was not late.

7.3.   One of the actions under 6.4, to update the ICO's casework management system, was shown as red. It was

explained that this is because currently there are no plans in place to make the change, nor any finance in place to pay for the change. This was not a risk to the ICO at present as the current system works. However, as time went on and the system ages this might become a risk. Staffing resources in the IT team is one of the issues here.

7.4.   Linked to this there might be a need to make changes to the ICE system if the EU data protection regulation was agreed. As it stood the regulation did away with notification.

7.5.   It was agreed that the need for an IT strategy, including in it the replacement of the casework management system, had to come back to the January Management Board for further discussion. In the meantime a paper on the subject was to come to the next Executive Team meeting.

Action point 4: Daniel Benjamin to bring a paper on the IT strategy to the next Executive Team meeting (18 November).

Action point 5: Peter Bloomfield to add discussion of the IT strategy to the next Management Board meeting agenda.

7.6.   Enid Rowlands, chair of the Remuneration Committee, noted that people issues arose out of a lot of the discussion at the Board and asked for a more holistic view of people issues to come to the next Remuneration Committee.

Action point 6: Daniel Benjamin to arrange for a more holistic view of people issues to come to the next Remuneration Committee.

7.7.   It was highlighted that the useful analysis of the links between the risk register and the ICO Plan 2013-16 identified that all of the risks fell into the areas of the corporate objectives; the ICO is alert and responsive to changes which impact on information rights, and an efficient ICO. This was noted but was not thought to be a matter for concern.

8. Finances

8.1.   The income and expenditure report for September was presented to the Board. The report highlighted the volatility in the notification fee income, thought to be partly a consequence of the introduction of the new ICE system which managed notification and fee payments and allowed on-line payment. The Board was updated on income received in October; this had been almost to target and year to date income was only down £36k. This was not thought to be a

problem. However, previous years' profiles are not now thought to be an accurate indicator of current monthly income.

8.2.   Some payments of civil monetary penalties issued by the ICO are now overdue. The need to recover monies due where possible was essential. However there are resource implications in doing so. There is therefore a need to continue to look at debt recovery and the possibility of retaining some of the penalties paid to offset ICO costs.

Action point 7. Daniel Benjamin to clarify the position on offsetting penalties paid with the NAO, in particular whether or not money could be offset in general or only in particular cases.

8.3.   Operational efficiencies in freedom of information work since individual rights were introduced were examined. The need for clear indicators showing efficiencies made were needed, along with making a judgement on what, if any, further efficiencies could be made and the impact of new cuts if they could not.

Action point 8: Simon Entwisle to consider whether similar work identifying efficiencies could be done for data protection work; recognising the difficulties in doing so.

9. Issues reports

Operations

9.1.   There continued to be a steady rise in year on year receipts but the increases were not accelerating. Teams had risen to the challenge and clearances had increased. But problems would arise if there was a large increase in receipts.

Information rights

9.2.   The information rights report was considered in detail.

Organisational Development

9.3.   The current high staff turnover needed to be kept under review.

10.   Executive Team

10.1.   Minutes of Executive Team meetings since the last Board meeting were presented for information.

11. Audit Committee

11.1.   The minutes of the Audit Committee meeting held since the last Board meeting were presented for information.

12. Remuneration Committee

12.1.   The minutes of one Remuneration Committee meeting held since the last Board meeting were presented for information.

13. Any other urgent business

13.1.   There was no any other business.