

Information Rights Committee minutes Tuesday 13 May 2014

Members and other attendees present

Andy Laing	Head of Performance Improvement
Anne Jones	Assistant Commissioner - Wales
Daniel Benjamin	Director of Corporate Services
David Smith	Deputy Commissioner, Director of Data Protection
Graham Smith	Deputy Commissioner, Freedom of Information
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 Contact
Robert Parker	Head of Corporate Affairs
Simon Entwisle	Director of Operations
Steve Eckersley	Head of Enforcement
Steve Wood	Head of Policy Delivery
Gemma Farmer	Senior Policy Officer
John-Pierre Lamb	Group Manager Good Practice
Meagan Mirza	Group Manager Public Security
Dawn Monaghan	Group Manager Public Services
Peter Bloomfield	Senior Corporate Governance Manager (Secretariat)

1. Introductions and apologies

- 1.1. There were apologies from Christopher Graham.

2. Matters arising from the previous meeting

Minutes

- 1.2. The minutes had been agreed by correspondence; there were no amendments required.

Action points from the previous meeting

- 1.3. The action point for Simon Entwisle to ensure that proposals for naming organisations complained about were signed off had been completed.
- 1.4. The actions relating to finalising and publishing on ICON the approach to additional regulatory functions would be completed shortly. The paper was coming to Executive Team on the 19th to be finalised.
- 1.5. It was confirmed that Robert Parker had copied research objectives to members of the committee.
- 1.6. Steve Wood had brought a paper on privacy seals to this meeting and this action was also cleared.

3. Areas for monitoring

Issue

- 1.7. The three specific areas the committee had agreed to monitor on a regular basis were considered.
- 1.8. **Effective use of civil monetary penalties** – there are legal challenges relating to the threshold under the Privacy and Electronic Communications Regulations (PECR) at which penalties can be issued for substantial damage or distress. DCMS plans to consult shortly on lowering this threshold and ICO research on the impact of civil monetary penalties on data protection practice will be published in July.
- 1.9. **Press engagement post Leveson** – the consultation on guidance in this area had closed and the guidance would be published shortly.
- 1.10. **NHS and other wider structural changes in the public sector** – concerns here had initially been around the NHS re-organisation and responsibility for data, and the introduction of Police Commissioners. The current major issue was that of Care.data.
- 1.11. There were major local government structural reforms planned in Northern Ireland and in Wales.

Decisions

- 1.12. Effective use of civil monetary penalties should remain as a monitored area.
- 1.13. Press engagement post Leveson should come off the list once the guidance was issued.

4. Priority Action Groups' annual reports

Issue

- 4.1. **Internet and mobile** – Steve Wood advised that the group had identified two priority areas for 2013/14; big data and mobile applications. These had fed into Policy Delivery work on the former and into guidance on the latter. Two new areas had been identified for 2014/15; the “internet of things”/smart devices and use of location data.
- 4.2. **Criminal Justice** – Meagan Mirza provided an oral update on the work of the group. It was felt that the group worked well as an information exchange but that specific actions in the area would now probably be taken forward by Tasking and Coordinating Groups. It was suggested that the group remains, but not as a Priority Action Group, meeting quarterly and acting as an information exchange.
- 4.3. **Health** – Dawn Monaghan provided an oral update on the work of this group. Again the feeling was that it would in future work well as an information exchange, especially in respect of the regional offices, providing a quarterly report on the health sector linking into the Information Rights report.
- 4.4. **Local Government** - The Local Government Priority Action Group was also mentioned. Led by David Evans this had identified much work that could be done in the area given resources. There were large overlaps with the health sector in the areas of social care.

5. Review of areas for monitoring and of Priority Action Groups

Issue

- 5.1. It was felt that the work of the Tasking and Coordinating Groups would have a large impact on the Priority Action Groups, but as the Tasking and Coordinating role was largely reactive and still developing it might be premature to disband all of the Priority Action Groups.
- 5.2. Tasking and Coordinating Groups were currently casework driven. People in the office were advised of issues coming up so decisions could be made on attendance. This circulation needed to include regional offices.
- 5.3. A differentiation between the treatment of sector based and cross office issues was identified, along with a need to map the various relevant discussion fora in the office and to develop ideas for the next meeting. One suggestion was for three groupings covering priority issues, cross office information sharing groups (eg on data sharing) and Tasking and Coordinating Groups.

- 5.4. A need to focus attention on providing advice to individuals was identified.

Decisions

- 5.5. It was agreed that the Criminal Justice Priority Action Group should become a cross office information exchange group.
- 5.6. The Internet and Mobile Services Priority Action Group would continue and provisionally becomes an IRC sub-group; renamed as "Emerging Technologies".
- 5.7. The SME cross office group would be provisionally an IRC sub-group and would be asked to develop an action plan for ICO work relating to SMEs.
- 5.8. It was also agreed provisionally that future priority issues would be:
- 5.8.1. Civil monetary penalties and related PECR work.
 - 5.8.2. Health.
 - 5.8.3. Local Government.
- 5.9. These provisional decisions and the future of other relevant groups would be brought together in a paper for the next meeting with decisions on confirming the various groups being taken then.
- 5.10. It was also agreed that the need to focus attention on advice for individuals would be discussed at the next IRC meeting.

Actions

- 5.11. Simon Entwisle to ensure that Tasking and Coordinating Groups included regional offices when circulating details of the matters to be considered.
- 5.12. David Smith to bring a paper to the next IRC meeting reviewing existing arrangements in this area and making proposals for the future of Priority Action Groups, relevant cross office groups etc.
- 5.13. Peter Bloomfield to put discussion the need to focus attention on advice for individuals on the agenda for the next meeting.

6. Privacy Seals

Issue

- 6.1. Steve Wood and Gemma Farmer introduced an update on and proposals for further work on privacy seals. The committee had previously given approval for a project to explore the feasibility of the ICO endorsing a third party to operate a privacy seal scheme. The objective would be data controllers to be awarded a recognised trust mark by a third party indicating that their data protection practices accorded with the standards required by the scheme.
- 6.2. It was now proposed that the ICO should work with the UK Accreditation Service (UKAS) to develop the scheme, with

endorsement of any proposed scheme conditional on the third party certification body achieving UKAS accreditation.

Decisions

- 6.3. It was agreed that the project should proceed with a project board (chaired by an Executive Team member) being set up to take the proposal forward. The project board would report regularly to Executive Team.
- 6.4. Use of UKAS was agreed in principle.

Actions

- 6.5. Steve Wood to set up a project board to take the privacy seals work forward.

7. Policy advice service

Issue

- 7.1. Steve Wood presented a paper detailing the policy advice service run by Policy Delivery. The committee was asked for any comments prior to the paper being circulated on ICON.

Decisions

- 7.2. The paper was agreed with minor amendment.

Actions

- 7.3. Steve Wood to finalise the paper and to circulate it to staff via ICON.

8. Self assessment tool

Issue

- 8.1. Rob Parker and John-Pierre Lamb updated the committee on work on the self assessment tool which had focused on producing a simplified version for small and medium sized enterprises. Versions of the tool would be available online.
- 8.2. In respect of resources, gaps in Good Practice work had been left to allow time to be spent on further development with an offline version being launched in September and an on-line version by the end of the year.

Decisions

- 8.3. It was agreed that the work should continue.

9. Annual track objectives

Issue

- 9.1. Rob Parker updated the committee on plans for the annual track exercise. A provider had been chosen. There were no comments on the objectives.
- 9.2. The provider had raised the issue of using the telephone to contact individuals. They considered that this was becoming increasingly difficult as more people than ever did not have a land line and people were becoming increasingly averse to cold calling. They suggested the use of an online survey instead. Their experience was that the results would not be affected by the change.
- 9.3. There was discussion on whether or not the change would impact on the ICO's aim of reaching all sectors of society. It was felt it was not.

Decisions

- 9.4. It was agreed to use an online survey.

10. Key information rights developments

Issue

- 10.1. The Management Board Information Rights report was presented for information.

11. Any other business

- 11.1. There was no any other business.