

## **Information Rights Committee Minutes – 15 February 2011**

### **Members and other attendees present**

Graham Smith	Deputy Commissioner, Director of Freedom of Information (Chair)
Paul Arnold	Head of Customer Contact
Jonathan Bamford	Head of Strategic Liaison
Lesley Bett	Head of Internal Compliance
Simon Entwisle	Director of Operations
Susan Fox	Director of Corporate Affairs
Anne Jones	Assistant Commissioner - Wales
Andrew Laing	Head of Complaint Resolution
David Smith	Deputy Commissioner, Director of Data Protection
Louise Webb	Head of Good Practice
Steve Wood	Head of Policy Delivery
Jonathan Kay	Corporate Governance Officer

### **1. Introductions and apologies**

- 1.1. There were apologies from Ken Macdonald and Mick Gorrill.

### **2. Action points from the Executive Team meeting of the last committee**

- 2.1. The Information Rights Committee (IRC) examined the minutes of the last meeting, and agreed them with minor amendments.

**Action point 1 – Secretariat to arrange for the minutes to be added to the ICO website and staff are advised.**

- 2.2. IRC considered the outstanding action points and matters arising from previous meetings.

- 2.3. IRC discussed action point 6 from 18 January 2011, for Jonathan Bamford to arrange a cross-office PECR implementation group reporting to the IRC. The cross-office group had been established and would meet soon.
- 2.4. IRC noted the importance of preparing for the changes, but also that the ICO was subject to a rapidly evolving situation.

### **3. Direction of travel reports**

- 3.1. Jonathan Bamford noted that the major focus of Strategic Liaison was the ICO's response to the Freedom Bill. A hot Issues group has been established to coordinate the ICO's responses to the bill committee. Steve Wood noted that work would be ongoing relating to the 'right to data' proposed by the bill.
- 3.2. The higher education liaison sector panel met for the first time in January. Several current initiatives are looking at the impact of freedom of information in the sector, including the Royal Society and the government office of science.
- 3.3. The recent report of the Science and Technology Committee has tasked the ICO with producing guidance for Higher Education bodies before the next academic term.
- 3.4. Steve Wood noted that Policy Delivery is working with Corporate Affairs to publish advice on securing WiFi.
- 3.5. The Article 29 committee met last week and is working on opinions on notification, sensitive data, and cross border law. Other work involves smart metering.
- 3.6. IRC noted a recent County Court case which related to S.31 of the Data Protection Act (DPA).

#### **Action Point 2: David Smith to liaise with colleagues regarding the County Court case and its implications for the application of the DPA.**

- 3.7. Lesley Bett noted the volume of information requests had grown, with a projected increase of 200 compared to last year, and covering a range of subjects.
- 3.8. Other Internal Compliance work includes making the public register of data controllers available in a different format. A Privacy Impact Assessment is being undertaken as part of this work.
- 3.9. Anne Jones noted that the Cardiff launch of the Data Sharing code would now take place at an Information sharing conference in June. The Wales regional office will move later

in the year following a lease break. The Scotland regional office will also be moving, and is currently providing advice on Privacy Impact Assessments to the Scottish Parliament.

- 3.10. Susan Fox noted the business planning process underway, and thanked colleagues for their input. The data protection officer conference taking place on 08 March is very well-subscribed.
- 3.11. A Hot Issues Group has been established for the issue of phone hacking.
- 3.12. Knowledge Management self assessment workshops are being planned and will take place soon, along with a review of ICO library needs and an assessment of the potential for ICO use of Open Government Licence.
- 3.13. Simon Entwisle commented on the notification systems replacement project. This will take place over the next two years and as well as replacing DUIS will also provide a basis for other more efficient and better-integrated systems.
- 3.14. Andy Laing mentioned that the FOI complaints process review was underway. A workshop has been arranged to look at information gathering and the higher-tier Tribunal decision on late exemptions which will be factored into new ways of working. After 3 months of working with the new data protection processes more cases have been closed than ever before.
- 3.15. Graham Smith discussed the post-legislative scrutiny exercise for the Freedom of Information Act. Such exercises were ordinarily conducted by the relevant select committee shortly after the implementation, but in this case much more time had elapsed. It was not yet clear whether the Justice Committee or a special or joint committee would undertake the review.
- 3.16. The ICO hoped the review should have a wide remit and would examine FOI funding and interaction with Environmental Information Regulations. However, the relationship with the DPA was less likely in light of the current review of the data protection directive.

#### **4. Strategic and Priority Issues**

- 4.1. Simon Entwisle introduced a revised Information Priorities report, and asked for member's feedback. IRC discussed recording of information about priority areas, and whether reporting should be on priority areas or against their action plans.

- 4.2. IRC agreed that priority areas should have corresponding issues groups reporting to the IRC through clearly –identified owners. The groups would provide a forward look for the start of the year, reports on progress and recommendations.
- 4.3. The risks of the proliferation of issues groups and overlaps were noted. IRC agreed that terms of reference would need to be agreed for the groups identifying aims, information needs and action plans, and that the reporting function for this and other functions should be aligned.

**Action point 3 – Secretariat to liaise with priority owners regarding issues groups.**

- 4.4. IRC discussed the Information Rights Priorities matrix. The current priority areas remained the health and finance sectors, technology and online issues, criminal justice and security breaches.
- 4.5. Suggestions were made to improve the matrix. IRC also noted that the matrix should be reviewed by a wider cross-office group than the IRC at least once a year.

## **5. Research 2011/2012**

- 5.1. IRC examined a paper from Jonathan Bamford and Steve Wood regarding possible research for the coming year. Jonathan noted the necessity of aligning research projects with the business planning process.
- 5.2. IRC agreed that it would be useful to discuss possible projects now to map them to priority issues consciously and integrate them into the business plan.
- 5.3. Jonathan introduced a proposed project to enable the embedding of information rights into the educational system. IRC agreed that this would be a very valuable project.
- 5.4. IRC agreed that facial biometrics was an important area for research with the potential of aggregation of data, use in the criminal justice sector or in conjunction with public and private sector ANPR. The cost of the technology was coming down and there was potential for an explosion in use. A project would examine guidance and rules.
- 5.5. Other possible projects involved privacy by design, and information rights risk assessments. Further work necessary in the area of anonymisation and identification may arise from the upcoming anonymisation seminar.

- 5.6. IRC commended the research proposals and noted that priority-area groups should assess the need for research, whether funded by IRC or from within departments.
- 5.7. It was agreed that the April IRC would agree next year's research. Steve and Jonathan would prepare detailed proposals on the Education and Facial Biometric projects.

**Action point 4 – Jonathan Bamford and Steve Wood to bring forward research proposals meeting.**

## **6. Data Sharing Code of Practice**

- 6.1. Iain Bourne introduced an overview of the data sharing code of practice laid before Parliament yesterday.
- 6.2. Answering a requirement of the Coroners and Justice Act, the new code replaces the 2007 framework code produced by the ICO and builds on the work of the Thomas-Walport review into data sharing.
- 6.3. The code team undertook wide preconsultation with stakeholders to identify issues before drafting. The assistance of the Ministry of Justice had been very helpful in this. A formal public consultation exercise followed.
- 6.4. The code sets out a rights-focussed, practical approach including transparency by design, and highlights ways of doing data sharing well and badly.
- 6.5. The 40 day scrutiny period will end in April after which the code will be issued as a statutory code. Assuming no Parliamentary objections, the code should be launched 10 May.
- 6.6. IRC thanked the team for their hard work in producing the code.

## **7. INSPIRE regulations**

- 7.1. Steve Wood provided an update on the introduction of the INSPIRE regulations passed in 2010. These derive from the directive on geospatial data.
- 7.2. The regulations relate to geographic statistics and the information that can be mapped onto them, and provide obligations to publish rather than rights to request the data.
- 7.3. The ICO will not have primary regulatory responsibility, which will lie with DEFRA. Instead the ICO will have a limited function in respect of regulation 9. The ICO's role will be

defined by DEFRA guidance, and a memorandum of understanding is being developed with them.

- 7.4. The ICO will receive no extra resources but only anticipates a small number of additional complaints. Work is ongoing to prepare teams to deal with these.

## **8. Consultations update**

- 8.1. IRC examined the consultations report, and noted there would be increased consultation activity in the coming weeks.

## **9. Any other urgent business**

- 9.1. There was no other urgent business

## **10. Next Meeting**

- 10.1. **15 March 2011, 10.30am, Room M5&6** Papers to secretariat by 2.00pm Wednesday 08 March

[20110315 v1.0 JMK ]