

Information Rights Committee Minutes – 15 March 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
Ken Macdonald	Assistant Commissioner – Scotland and Northern Ireland
Simon Rice	Principal Policy Advisor- Technology
David Smith	Deputy Commissioner, Director of Data Protection
Steve Wood	Head of Policy Delivery
Jonathan Kay	Corporate Governance Officer (Secretariat)

1. Introductions and apologies

- 1.1. There were apologies from Mick Gorrill and Louise Webb.

2. Minutes and Action points from 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 to be 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 had now met.
- 2.4. IRC noted the importance of preparing for the changes, but also that the ICO was subject to a rapidly evolving situation.

3. Information Rights Strategy

- 3.1. David Smith introduced the latest draft of the Information Rights Strategy. Following the discussion, the amended strategy would be reviewed by the Executive Team, given an external consultation, and presented to the Management Board.
- 3.2. The strategy will replace existing data protection and freedom of information strategies and provide an integrated high-level overview setting out the ICO's strategic approach to information rights.
- 3.3. It was noted that the document was high-level, and would link to more detailed policies on particular issues.
- 3.4. IRC provided comments on the format and drafting of the strategy, and on the inclusion of timeframes and metrics.
- 3.5. IRC praised the strategy as very succinct and discussed how much detail it should provide of strategic priorities. IRC agreed that the consultation on the strategy should not be a consultation on information rights priorities.
- 3.6. It was agreed that an example of how a priority was set would be valuable, albeit without a specific list of the priorities themselves. The priorities could be referenced through an annex or linked document.
- 3.7. David Smith undertook to take into account all the comments made in developing a revised version of the draft strategy for consideration by ET.

Action point 2 – All members to feed back any further comments on the Information Rights Strategy to David Smith as soon as possible.

4. Key information rights issues

- 4.1. Graham Smith invited members to provide brief updates on any new or emerging information rights issues.

Operations

- 4.2. Paul Arnold and Andy Laing reported that in Complaints Resolution and Customer Contact the focus is currently on the run in to the business year end.
- 4.3. Anne Jones noted that the recent referendum in Wales had voted for greater legislative powers without permission from Westminster. The pace and volume of legislation is expected to increase.
- 4.4. Ken Macdonald observed that the ICO would be working with the Public Records Office in Northern Ireland on advice for public authorities on retention of public records.
- 4.5. Simon Entwisle noted that following the Data Protection Officer conference there had been a number of expressions of interest from organisations in being audited by the ICO.
- 4.6. Simon also noted the need for guidance on fax use given the number of breaches in this area. IRC agreed that this was an area to be monitored with faxes and emails being mis-addressed.

Corporate Affairs

- 4.7. Susan Fox mentioned the recent Panorama program on phone hacking in which the ICO had featured. The hot issues group on phone hacking will be meeting this week.
- 4.8. Guidance will be released this week about security measures for wireless networks, with a press release detailing the results of the recent YouGov research.

Internal Compliance

- 4.9. There were 54 information requests in March to date, with recent requests including monetary penalties, staff email addresses and correspondence with government over the revised PECR directive and cookies.

Policy Delivery

- 4.10. Steve Wood mentioned a report on transparency expected in April from Dr Kieron O'Hara of Southampton University. IRC also heard that the Cabinet Office would be holding a transparency week in April, details of which should follow shortly.
- 4.11. IRC heard that the ICO would be giving evidence to the Freedoms Bill committee.

Strategic Liaison

- 4.12. Jonathan Bamford explained that Strategic Liaison is examining the necessary mechanisms for recording offences under the Data Protection Act in case these are given recordable status.

- 4.13. The Privacy and Electronic Communications Regulations group has now met and identified necessary work. The group will meet again on 1 April.
- 4.14. The ICO continues to liaise with the Department for Culture, Media and Sport regarding the implementation of the new regulations. The department has publicly stated that it does not expect the ICO to take immediate enforcement action against businesses after the 25 May.

5. Strategic and Priority Issues update reports

- 5.1. IRC discussed strategic priority issues. These areas were 'online and technical' and 'criminal justice and CCTV' owned by Steve Wood and Jonathan Bamford respectively; and 'health sector' 'credit and finance', and 'security breaches' owned by Simon Entwisle. Terms of reference are being drafted and once agreed the groups will be promoted to staff.
- 5.2. Jonathan Bamford gave an update on the Criminal Justice priority area. The cross office policing group had met and identified areas for clarification and new guidance. Actions points have been fed into current work.
- 5.3. Specific issues relate to the identity of the data controller of the Police National Computer, the amalgamation of back-office police functions, and Criminal Records Bureau information without cross-referencing fingerprints.
- 5.4. A consultation response is being prepared for the Secretary of State's code of practice on CCTV, referred to in the Protection of Freedoms Bill, and bilateral meetings are taking place regarding the coordination of the ICO and Home Office work in this area.

6. Establishing an ICO Security forum

- 6.1. David Smith introduced a discussion on the establishment of an ICO security forum. This would be an internal group focussed on IT and especially IT security in the context of the ICO's information rights work.
- 6.2. The group will be constituted from across the office and have a link to the external technology reference panel. The core function of the group will be to examine specific technical issues and develop common cross-office approaches.
- 6.3. The relationship of the forum to the wider technology engagement of the office would need to be defined.

- 6.4. IRC agreed that its discussion had suggested a necessity and an appetite for a forum. Its remit and operating methods would need careful definition, along with its relationship to other meetings and mechanisms.
- 6.5. IRC agreed that Simon Rice would consider the IRC's comments and feedback and bring forward a proposal for the next meeting.

Action point 3 – Simon Rice to consider the Committee's comments and feedback and bring forward a proposal for the next meeting.

7. Research update

- 7.1. Jonathan Bamford and Steve Wood gave an oral update on possible research projects for the 2011- 2012 business year.
- 7.2. Four possible projects are being considered. The availability of further funding and how much of the work can be done in house is being assessed. A firm proposal will be brought to the next IRC meeting for the project on embedding information rights into education as this is a high priority and will clearly involve external expertise.
- 7.3. The further projects include an investigation into barriers to the uptake of privacy by design, and into facial recognition technology. IRC noted that this last project would be time-sensitive.
- 7.4. The other project being considered concerns anonymisation and personal data. The results of the Anonymisation seminar in late March will help define the project, along with those of the O'Hara report expected in April, and the upcoming abortion statistics case.

8. Consultations update

- 8.1. IRC examined the consultations report.

9. Any other urgent business

- 9.1. IRC noted that pre-election periods were approaching in respect of regional and local elections and the referendum. From next month the chairmanship of the IRC will move to David Smith.

10. Next Meeting

- 10.1. **19 April 2011, 10.30am, Room M5&6** Papers to secretariat by 12.00pm Tuesday 12 April.

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