

Minutes

Information Rights Committee 16 August 2011

Members and other attendees present

David Smith	Deputy Commissioner, Director of Data Protection (Chair)
Simon Entwisle	Director of Operations
Anne Jones	Assistant Commissioner - Wales
Andrew Laing	Head of Complaint Resolution
Dawn Monaghan	Group Manager, Public Services Group
Robert Parker	Acting Director of Corporate Affairs
Charlotte Powell	Internal Compliance Manager
Graham Smith	Deputy Commissioner, Director of Freedom of Information
Ged Tracey	Principal Policy Advisor
Louise Webb	Head of Good Practice
Christopher Graham	Information Commissioner (Items 1-3)
Jonathan Kay	Corporate Governance Officer (Secretariat)

1. Introductions and apologies

- 1.1. There were apologies from Jonathan Bamford, Steve Wood, Lesley Bett, Sally-Anne Poole and Ken Macdonald.
- 1.2. Ged Tracey, Charlotte Powell and Dawn Monaghan attended on behalf of Steve Wood, Lesley Bett and Jonathan Bamford respectively.

2. Minutes, Action points, and matters arising from the last meeting

- 2.1. The minutes of the last meeting were adopted.

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

3. Information rights messages

- 3.1. Christopher Graham introduced a paper on information rights messages developed following a recent workshop. The aim was to develop messages about ICO work which could be used to address a range of audiences at different levels and which would reflect the ICO's roles in enforcing, enabling and empowering. The messages would help the ICO deliver a clearer information rights message.
- 3.2. The ICO's risk-based approach to information rights was considered further. The aggregated impact of activity like Spam texts was noted, along with the corrosive effect of recipients assuming such phishing exercises resulted from data breaches.
- 3.3. It was important that the ICO was clear that there was no minimum level for ICO involvement and that there is a range of actions the ICO can use and not just formal enforcement action.
- 3.4. It was agreed that the ICO should communicate its interventions and successes more, and draw attention to non-data breach activity such as good practice identified in audits. In addition it was agreed that the messages should be coordinated with the priority group action plans.
- 3.5. Members were asked to discuss the paper with colleagues and feed back comments. The committee would agree the final version at its September meeting.

Action 2 – Members to consult with colleagues on the document and to feed back to the Commissioner.

Action 3 – David Smith to set up a meeting to consider how the ICO can better communicate its non-data breach interventions and successes.

4. Key Information rights developments

Good Practice

- 4.1. A report on general conclusions from audits across different sectors will be brought to the next meeting.
- 4.2. The ICO has issued its first 'green' high assurance audit report. This was also the first private sector organisation executive summary to be published on the website: GE Money Home Lending. The process had been a useful one for both sides, and our experience in the private sector has

- 4.3. Good Practice is writing to universities about their adopting a model publication scheme.

Policy Delivery

- 4.4. There had been a meeting with the National Archives about section 46 FOIA code of practice management issues, and a single document incorporating our view and a protocol (discussed with the National Archives) was now expected to be agreed.
- 4.5. A project proposal on an Anonymisation Code of Practice will be brought to the September meeting.

Corporate Affairs

- 4.6. Executive Team has approved the recruitment of an in-house web developer to work on both the ICO website and the ICE project.

Internal Compliance

- 4.7. Information requests are up 17% on last year.
- 4.8. Following the ICO's recent announcement about the use of Twitter for freedom of information requests, requests for information have been made to the ICO via Twitter
- 4.9. It was agreed that analysis of ICO data for patterns in priority areas was a responsibility of the relevant priority area group. Information requests to the ICO should be copied to the relevant group.

Customer Contact

- 4.10. Customer contact has been managing work loads carefully to smooth out performance and a half year increase in productivity in DP and FOI cases is expected.
- 4.11. A Spam insurance text hot issue group has been adopting an across office approach to the problem. Complaints have started to reduce.

Complaints Resolution

- 4.12. A briefing on the FOI Complaints project has been shared with case officers. The ICO's casework processes have been re-visited with the aim of improving clarity and consistency in casework. The improvements should increase efficiency and develop engagement with public authorities.

Strategic Liaison

- 4.13. Strategic Liaison is continuing to coordinate the ICO's preparations for the Leveson inquiry.
- 4.14. Jonathan Bamford will be the ICO's representative on the Justice and Transparency Board panel which includes examining the proactive publication of court outcomes.
- 4.15. A government counter fraud task force has been launched to improve data sharing across the public sector. The ICO has provided its code of practice on data sharing.

Regional Offices

- 4.16. Awareness-raising work has continued with Welsh Assembly members following the May elections, and sessions have also been run for their support staff.

5. Priority Area Groups

- 5.1. IRC noted the action plan of the internet and mobile priority area group. The group had met for the first time on 02 August

6. Measuring Reputation

- 6.1. Robert Parker introduced a paper on the upcoming stakeholder survey. The committee was asked for its help in planning.
- 6.2. It was suggested that the survey might usefully explore how the ICO compares to other regulators in the eyes of stakeholders.
- 6.3. IRC also noted that further discussion was needed on the extent to which the stakeholders surveyed should include both 'key' stakeholders as currently identified in the ICO's strategic liaison work.
- 6.4. The first round of stakeholder research will cover 'key' stakeholders with a further survey covering a different set of questions necessary for stakeholders outside this group.

Action 4 – Jonathan Bamford and Robert Parker to liaise to identify a list of stakeholders for the survey to engage with.

7. DP Audit update

- 7.1. Louise Webb provided an oral update on lessons learnt from the last year of ICO audits. A more detailed report would come to the September meeting.

7.2. The audit team has been successful in signing up organisations for audits. There was now a need to diversify the types of audits available, including short audits, guidance visits, self assessments and other tools to expand the reach of ICO good practice audits.

7.3. Private sector organisations have proved less willing to be audited than public sector. The team are aiming for 30% of audits in the year to be from the private sector however this would be difficult to achieve with the current difficulties in getting consent from these organisations. The report to the next meeting would explore the case for expansion of the ICO's audit power into the private sector in more detail.

8. Urgency Committee report

8.1. The Urgency Committee had met on 25 July to examine a request for ICO involvement in a bid for a project to help the Serbian data protection authority comply with EU rules.

8.2. The Urgency Committee had agreed that the ICO could provide one expert over the life of the project, offering expertise in the communication of data protection issues. Whether or not the offer would be taken up was, as yet, unknown.

9. Research

9.1. The tendering process for the education project would begin shortly.

9.2. The committee would examine the remaining research budget and possible projects at its September meeting.

10. Consultations report

10.1. The ICO's consultation on the Information Rights Strategy had closed on 12 August. A number of responses were received from public and private sector organisations.

10.2. The ICO consultation on changes to the ICO's statutory guidance on monetary penalties under section 55C (1) of the Data Protection Act was underway.

11. Any other urgent business

11.1. There was no other urgent business.