

Minutes

Information Rights Committee 20 September 2011

Members and other attendees present

Graham Smith	Deputy Commissioner, Director of Freedom of Information (Chair)
Jonathan Bamford	Head of Strategic Liaison
Lesley Bett	Head of Internal Compliance
Simon Entwisle	Director of Operations
Anne Jones	Assistant Commissioner - Wales
Andrew Laing	Head of Complaint Resolution
Ken Macdonald	Assistant Commissioner – Scotland Northern Ireland
Robert Parker	Acting Director of Corporate Affairs
Louise Webb	Head of Good Practice
Jonathan Kay	Corporate Governance Officer (Secretariat)

1. Introductions and apologies

- 1.1. There were apologies from Dawn Monaghan, Sally-Anne Poole, Christopher Graham and David Smith.

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. Key Information rights developments

Operations

- 3.1. Work on spam texting is proceeding; the ICO is investigating where companies get numbers from and is

Policy Delivery

- 3.2. The DCLG local government transparency code was due to be launched.
- 3.3. Higher education guidance will be published next week.
- 3.4. An amendment to the Protection of Freedoms Bill has been tabled aimed at exempting universities from the FOIA in respect of research projects.

Complaints Resolution

- 3.5. Case stories are being developed to illustrate the ICO's role in dealing with common complaints. These will be finished before the end of the year.
- 3.6. ICO research into the scrubbing of hard drives (when computers were disposed of) showed that data controllers were better at this than before but the public were worse.

Corporate Affairs

- 3.7. Work on an ICO blog and a new bloggers DVD is continuing.

Scotland / Northern Ireland offices

- 3.8. The Scotland office has been working on training sessions with new MSPs. In Northern Ireland the ICO has been invited to join the DNA database oversight board.

Strategic Liaison

- 3.9. The ICO has submitted its written evidence to the Leveson inquiry on phone hacking. The ICO is not a core participant but may be asked to give further evidence
- 3.10. Sir David Nicholson has written a joint letter with the Commissioner to staff in the NHS stressing the importance of information security.

Internal Compliance

- 3.11. In the last month the ICO had received 107 information requests and closed 127. There had been a lot of requester activity around the Operation Motorman files.

Good Practice

- 3.12. The success of the self assessment pilot is being followed up with children's services departments.
- 3.13. An insurance company had agreed to sign up for an ICO audit, the first so far from this sector.

3.14. The ICO has written to a number of higher education institutions about publication scheme compliance.

Chair

3.15. The Commissioner appeared recently before the Justice Select Committee. The Committee had raised the issue of post legislative scrutiny of the FOIA. This would not now happen until after Christmas.

4. Strategic Priority Area Group update

Health priority area group

4.1. A large number of complaints about subject access in the health sector had been found to relate more to staff access to employment records than to patient access to health records. This fact was informing compliance work.

4.2. The Committee discussed year end reporting arrangements for the priority area groups. It was agreed that there should be an end of year report to feed into the annual report; possibly linked to the Information Rights Strategy and messages.

5. Information Rights Strategy

5.1. IRC considered the results of the recent consultation on the Information Rights Strategy. Responses were received from a range of sectors and the strategy was being revised in light of the feedback. The intention was to coordinate this work with business planning and work on information rights messages.

6. Information rights messages

6.1. The committee examined a revised paper on information rights messages which had been updated following discussion at the last meeting. It was felt that the third sector needed to be specifically addressed.

6.2. The aim was for the messages document to be high level and external facing; reflecting what the ICO expected of others as well as what it would do.

Action point 2 – Chair to liaise with the Commissioner regarding information rights key messages.

7. DP Audit update

7.1. Louise Webb presented a paper on the extension of ICO audit powers and the outcomes of the last year of ICO audits.

Extension of powers

- 7.2. The ICO had tried to engage organisations in all sectors outside the scope of its compulsory audit powers but with only a 17% uptake in the private sector.
- 7.3. The Privacy and Electronic Communications Regulations have extended compulsory audit powers to communication and service providers, albeit only in a limited context.
- 7.4. The ICO is currently unable to compulsorily audit most private sector organisations, for example claims management companies.
- 7.5. IRC heard that where the ICO does have the power of compulsory audit, it has not needed to resort to this compulsion with a 100% consent rate.
- 7.6. The experience gained in the first year of auditing will be used to help inform a paper arguing for broader audit powers.

Outcomes of audit work

- 7.7. The audits the ICO have completed have resulted in a valuable body of information on information rights practice. This is being tapped to enhance guidance and advice and to help find practical ways that organisations can become more compliant.
- 7.8. The new guidance will be coordinated with other ICO work, and will be aimed at promoting good practice rather than being proscriptive. Advice will be tailored to the needs of specific sectors, coordinated with other ICO guidance.

8. Anonymisation Code of Practice

- 8.1. Steve Wood introduced a proposal for an ICO Code of Practice on Anonymisation. This built on the ICO seminar last March. It would provide guidance for organisations about protecting personal data when publishing or disclosing information, including, but not restricted to 'anonymisation' before disclosure.
- 8.2. The ICO will make use of expertise from the Office for National Statistics to inform some of the code. A formal consultation was planned for March 2012 with publication in the summer. The committee welcomed the proposal and endorsed the project.

9. Research

Facial recognition

- 9.1. The Canadian Privacy Commissioner was undertaking research into facial recognition. The ICO's Principal Policy Adviser, Technology, will be contributing.

Embedding information rights in education

- 9.2. Tenders are being invited to help the ICO embed information rights into the education system.

Future research

- 9.3. It was suggested that the ICO host a seminar on privacy impact assessments (PIAs) towards end of the financial year. The seminar would consist of a workshop with case studies and a roundtable discussion to improve take-up and guidance.
- 9.4. IRC commended the idea and noted the possibility that the directive review could affect use of PIAs. The ICO was keen that the UK experience of PIAs should contribute to discussion.
- 9.5. It was agreed that the committee would discuss and agree spending for the remainder of the year at its next meeting, and also begin longer-term planning.

Action point 3 – All members to review research needs for the remainder of 2011/2012 and possible future research for discussion at the October meeting.

10. Consultations report

- 10.1. IRC examined the consultations report. It was agreed that that the report should be forward looking as well as backward looking.
- 10.2. The transparency team at the Cabinet Office currently have current consultation exercises on 'Making Open Data Real' and on 'Data Policy for a Public Data Corporation'. The consultations will close at the end of October.
- 10.3. The Protection of Freedoms Bill was expected to pass its second reading in October. Several amendments had been suggested and further amendments were expected.

11. Any other urgent business

- 11.1. There was no other urgent business.