

## **Information Rights Committee minutes** Tuesday 16 July

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

Paul Arnold	Head of Customer Contact
Jonathan Bamford	Head of Strategic Liaison
Steve Eckersley	Head of Enforcement
Simon Entwisle	Director of Operations
Christopher Graham	Information Commissioner
Ken Macdonald	Assistant Commissioner – Scotland and Northern Ireland
Robert Parker	Head of Corporate Affairs
David Smith	Deputy Commissioner, Director of Data Protection (Chair)
Graham Smith	Deputy Commissioner, Freedom of Information
Steve Wood	Head of Policy Delivery
Hannah Cutler	Corporate Governance Officer

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

Apologies had been received from; Lesley Bett, Daniel Benjamin, Anne Jones and Andy Laing.

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

Action point 5 from the meeting on the 23 April, to consider whether money should be handed back from the research budget to finance, remains outstanding. It will be revisited later in the financial year

### **3. Review the work of the IRC**

**Issue:** IRC discussed how best to get feedback on the priority areas it had decided to monitor. The aim behind the priority area, the effective use of civil monetary penalties, was reviewed.

**Decision:** Members agreed that the current priority areas are to remain on the next IRC agenda. IRC will keep a watching brief on these and the agenda item will act as a prompt for discussion. The possibility of research on how effective CMPs are at driving good practice in different organisations and sectors and lessons to be learned for the ICO, was supported.

**Action point 1: Steve Wood to explore options for research into how effective CMPs are at driving good practice, and to provide an update at the 15 October IRC meeting.**

#### **4. Revised data protection regulatory action policy**

**Issue:** As a result of the Leveson Inquiry recommendations and changes in PECR enforcement the ICO Data Protection Regulatory Action Policy has been updated. IRC was asked to approve the draft policy for publication.

**Decision:** Drafting changes were suggested and agreed.

It was agreed that a public consultation was not needed on this policy as it is an update to an existing publication.

The policy may need to be reviewed in light of Project Eagle at some point.

**Action point 2: David Smith to amend the policy as discussed and to recirculate it to IRC members for any further comment before publication.**

#### **5. International issues**

**Issue:** IRC discussed the position on development of the new EU data protection regulation, and what might happen if the changes do not go through. It was agreed that we should prepare for this scenario and consider further how it might affect the ICO, including the possibility of making a case for interim changes in UK legislation.

#### **6. Annual Track survey**

**Issue:** IRC reviewed the Annual Track results and discussed the development of communication plans to address some of the issues raised.

Areas on which we could have the most influence were reviewed and it was agreed that small and medium sized enterprises are emerging as a priority sector for communications.

**Decision:** Robert Parker will share summaries of communication plans at future IRC meetings.

**Action point 3: Secretariat to invite the chair of the Small and Medium Sized Enterprises' cross office group, Kai Winterbottom, to the next IRC meeting with the group's action plan.**

## **7. Workshop planning for the Data Protection Practitioner Conference (DPP)**

**Issue:** Planning for the DPP conference in 2014 has begun and IRC was asked for ideas on topics for the workshops. The previous few years' workshop titles were provided for information. Suggestions were noted by Rob Parker.

IRC also discussed the success of the 2013 DPO conference information market and how it could potentially expand in 2014 to include short presentations, the Scottish Information Commissioner's Office and commercial stalls.

**Decision:** To include an information market at the 2014 conference and to look at expanding the number of stalls.

## **8. Privacy impact assessments**

**Issue:** IRC welcomed the research paper by Trilateral Research on aligning privacy impact assessments with risk and project management methodologies and were updated on the planned launch of the new PIA Code of Practice.

## **9. Key information rights developments**

**Issue:** The Management Board information rights report was presented for information. Christopher Graham discussed the areas of the report which particularly impact on the ICO, those which the ICO particularly impacts on, and the opportunities and risks that arise. Of particular note was forthcoming legislation on data sharing.

## **10. Any other urgent business**

The prominence of the Big Data topic and the ICO's position on this was discussed. The ICO is developing a draft position paper and is preparing to hold a workshop in the autumn.

The outstanding sections of the Protection of Freedoms Act are expected to commence on the 1 September.

Decisions on changes arising from the Freedom of Information Act post legislative scrutiny have been delayed.

The ICO education material has been launched and the Corporate Affairs team have visited a school to film feedback; this is being published on the ICO website.

The ICO is soon launching the SAR code of practice and will be exploring ways to follow up the launch.

## **11. Key messages**

1. IRC agreed to commission research on the effectiveness of civil monetary penalties and how we can best use our experience of these to drive good data protection practice. Policy Delivery will take the lead.
2. The ICO Data Protection Regulatory Action Policy has been amended as recommended in the Leveson report. IRC reviewed the draft and agreed that it be adopted, with slight changes. The policy will be re-launched in August.
3. The [Annual Track survey](#) results are now published. IRC reviewed the results and discussed the development of communication plans to address some of the issues raised.
4. Planning is already underway for the Data Protection Practitioner Conference to be held in March 2014. IRC discussed workshop topics and agreed that there will be a bigger Information Market than before.
5. The output of a research project on aligning Privacy Impact Assessments with risk and project management methodologies was welcomed. This has fed into the draft of our new Code of Practice on PIAs which will be published for consultation shortly.