

Management Board minutes

20 May 2024

Details of attendees are provided at the end of the minutes.

1. Introductions and apologies

- 1.1. Apologies for absence were received from Stephen Almond and Tracey Waltho.

2. Declarations of interests

- 2.1. No declarations of interests were made.

3. Matters arising from the previous meeting

Minutes

- 3.1. The minutes of the previous meeting had been approved as a correct record.

Actions

- 3.2. The Board noted the updates regarding actions from previous meetings provided with the meeting papers.

4. Finance and Estates

4.1. Finance update and year-end income and expenditure report

- 4.1.1. Angela Donaldson presented a report giving the Board information of the year-end financial position and progress to date in the 2024/25 financial year.
- 4.1.2. The Board discussed the ongoing work to consider options to maximise the amount of revenue brought in through data protection fees during 2024/25. The Board was informed that this work would prioritise contacting large organisations who would be expected to pay the tier 3 fee.
- 4.1.3. The Board also discussed contingency plans in place to mitigate risks of data protection fee revenue being below the budget forecast, or unanticipated spend being required.
- 4.1.4. The Board also received information regarding recent recruitment and retention within the Finance Department and was informed that sufficient resources were in place

within the Finance Department at present to deliver the financial statements and other financial matters.

- 4.1.5. The Board discussed the savings which would be delivered as part of the ICO 25 transformation programme during 2024/25 and the importance of prioritising invest-to-save activity during 2024/25.

4.2. **Environmental, Societal and Governance (ESG)**

- 4.2.1. Angela Donaldson presented a report giving the Board assurance of the ICO's management of ESG issue, following consideration of a report by Audit and Risk Committee.
- 4.2.2. The Board noted that ESG was an area in which the Department for Science, Innovation and Technology (DSIT) regularly sought assurance that Arms-Length Bodies were doing all that could be reasonably expected of them, and the report gave the Board good assurance that the ICO was performing well in this area.
- 4.2.3. The Board discussed benchmarking elements available with other similar organisations; at present, this was primarily through the Greening Government Commission.
- 4.2.4. The Board requested that similar report reports be provided to the Board on an annual basis, and that these should also include further information of the ICO's activities in inclusion and diversity.

5. Discussion items

5.1. **Enterprise Data Strategy (EDS), Data, AI and automation**

- 5.1.1. Kevin Parry presented a report setting out updated plans for EDS, Data, AI and automation following completion of the public consultation on the draft EDS. The Board welcomed the excellent progress which had been made in developing the EDS in a short period.
- 5.1.2. The Board particularly discussed the efficiencies which would be delivered to the ICO, organisations and the public through implementation of the EDS, along with more mature use of data, as well as further use of AI and automation. The Board also discussed the links between the EDS and delivery of the workforce strategy.

- 5.1.3. The Board also discussed the feedback received from the EDS public consultation, which had included feedback from organisations in both the public and private sectors. The Board discussed the feedback received about how organisations or sectors would like to use ICO data to improve their own services; options for this were currently being explored, to identify whether this could be done efficiently, effectively, and in compliance with data protection legislation.
- 5.1.4. The Board welcomed the tangible outputs and savings delivered through the EDS.

5.2. **Data protection law reform update**

- 5.2.1. Emily Keaney provided an oral update on progress with Data Protection and Digital Information (DPDI) Bill, which had now completed the Committee stage within the House of Lords; the Government was now in the process of reviewing the amendments which would be made to the Bill reflect the House of Lords' discussions.
- 5.2.2. The Board was informed that the Department for Science, Innovation and Technology (DSIT) had begun recruitment for new Non-Executive Directors who would take positions following the passage of the DPDI Bill. Board members were encouraged to promote this to their professional networks, to ensure the widest possible recruitment pool for these crucial roles.

ACTION: Board members to promote DSIT's recruitment campaign for new Non-Executive Directors, to ensure the widest possible recruitment pool. Due date: 24/6/24

5.3. **Spotlight on Research**

- 5.3.1. Emily Keaney introduced two presentations setting out the findings of two recent research studies into the ICO's work. She explained that the findings of the Data Controller study would be published shortly, while the findings of the Public Attitudes on Information Rights study were in the process of being finalised.
- 5.3.2. The Board's discussion focused on how the data and conclusions from each of the presentations would be used

to direct the ICO's activities in future, throughout the process of prioritising, commissioning and delivering work.

Data Controller Study

- 5.3.3. Tom Reynolds gave a presentation setting out the findings of the survey of Data Controllers, which informed the assessment of the ICO's success in a range of ICO 25 objectives, along with a data visualisation dashboard to support presenting this information. The data collected through this study would serve as a baseline for future studies.
- 5.3.4. The Board discussed the importance of effectively communicating the findings of the study publicly. The Board also discussed the degree to which the research indicated different perceptions of the ICO and data protection from different types of organisations or in different sectors.
- 5.3.5. The Board welcomed the data visualisation dashboard, which presented a large amount of detailed information clearly and concisely.

Public Attitudes on Information Rights

- 5.3.6. Melissa Mathieson and Dervla Kearney gave a presentation setting out findings of the recent survey on the attitude which the public have to information rights, supplementing the initial data lives survey which had previously been presented to the Board. As well as gathering information to present as a whole, this provided further information about particular segments which would be factored into future work to ensure this was as effectiveness as possible.
- 5.3.7. The Board discussed the value of segmentation as an indicator of potential attitudes, challenges and beneficial approaches for different types of people, but also cautioned about using this approach too broadly.
- 5.3.8. The Board thanked all involved for the presentations and commented that they were a strong demonstration the continued increased maturity of the ICO's approach to data use.
- 5.3.9. The Board requested that future similar reports to the Board should include information for the Board of what the steps

the Executive was taking to implement the findings of the research.

6. Performance reports

6.1. Management Board Scorecard (Q4)

- 6.1.1. Jen Green presented a report providing the Board with information of performance over the previous quarter and the year-end position. The Board was informed that an updated scorecard would be presented to the Board's next meeting to reflect the objectives for 2024/25, including updated customer service KPIs.
- 6.1.2. The Board commented that it was also important to ensure that the KPIs were sufficiently ambitious, or if the KPIs were consistently being met, to consider whether they could be delivered with fewer resources.

6.2. ICO 25

ICO 25 progress update

- 6.2.1. Rob Holtom presented a report giving the Board information of progress with ICO 25 change programmes.
- 6.2.2. The Board received further information about the extent to which KPIs identified as red in the previous report (relating to data protection complaints casework and personal data breach reports) within the report may be addressed through the EDS and related projects.

2024/25 transformation portfolio

- 6.2.3. Rob Holtom presented a report giving the Board information of the agreed transformation portfolio and the approach to delivering this for 2024/25.
- 6.2.4. The Board noted the report.

Risk – Orange Book compliance

- 6.2.5. Louise Byers presented a report giving the Board assurance on the ICO's compliance with the Orange Book on the principles and concepts of risk management.
- 6.2.6. The Board commented that the assessment may be overly pessimistic and was informed that similar feedback had been provided by Audit and Risk Committee and compliance had subsequently reassessed as a result.

Decision

6.2.7. The Board confirmed that they agreed with the approach and scope of the assessment of the ICO's compliance with the Orange Book and approved the proposed disclosure statement for inclusion within the annual report and financial statements.

Annual Report 2023/24

6.2.8. Louise Byers presented a report providing the Board with a draft version of the 2023/24 annual report and financial statements, for the Board's review and comment.

6.2.9. The Board commented that it would be beneficial to include reference to all internal audit recommendations being completed on schedule within the overall assessment of control environment.

ACTION: Corporate Governance to update the annual report to include reference to all internal audit recommendations being completed on schedule within the overall assessment of control environment. Due date: 31/5/24

Decision

6.2.10. The Board approved the proposed directors' statement, board effectiveness statement, and assessment of control environment, for inclusion within the annual report and financial statements, subject to the amendment set out above.

7. Updates from Committees

Audit and Risk Committee

7.1. Ailsa Beaton provided an oral update on matters considered by the Audit and Risk Committee at its meeting on 25 April 2024. In addition to the matters considered by the Board earlier in the meeting, she highlighted the successful completion of the internal audit programme for 2023/24 and implementation of all audit recommendations. She also explained that the Committee had received a report highlighting the ICO's full compliance with the NAO's guide of good practice on cyber security.

People Committee and Remuneration Sub-Committee

7.2. Jane McCall provided an oral update on matters considered at the People Committee and Remuneration Sub-Committee meetings on 2

May 2024. She highlighted the People Committee's discussion of delivery of the workforce strategy and the pay strategy. She also explained that the Remuneration Advisory Sub-Committee's discussion had focused on the recent Executive Team survey and objectives for Executive Team members for the coming year.

Regulatory Committee

- 7.3. John Edwards provided an oral update on matters considered by the Regulatory Committee at its meeting on 18 April 2024. He highlighted progress with delivery of the better regulatory interventions programme, including publication of the penalty setting guidance and progress with measuring the impact of regulatory interventions.
- 7.4. He informed the Board that the ICO had recently won the Public Sector Campaign Award in the PRMoments Awards for the "Help Gran, Stop Spam" campaign, which demonstrated the value of more integration of the regulatory and communications teams to maximise the impact of regulatory interventions.

8. Management Board planning

8.1. Management Board strategy day update

- 8.1.1. Paul Arnold presented a report updating the Board on plans for the Management Board's strategy day which would take place on 15 July 2024.
- 8.1.2. The Board commented that it would be useful to spend some time during the strategy day to identify how the Board's role would change in the new structure proposed by the DPDI Bill.

8.2. Management Board work programme

- 8.2.1. Louise Byers presented a report providing the Board with an indicative work programme for the next 12 months, subject to further discussion at the Board strategy day.
- 8.2.2. The Board requested that information also be provided to it over the next year regarding trends UK's regulatory landscape and global data protection regulation.

ACTION: Corporate Governance to update the Management Board work programme to include reports on UK regulatory trends and global data protection regulation trends. Due date: 31/5/24

9. Any other business

9.1. There were no items of other business.

Attendance

Members

Ailsa Beaton OBE	Non-executive Director
David Cooke	Non-executive Director
Emily Keaney	Deputy Commissioner (Regulatory Policy)
Jane McCall	Non-executive Director
Jeannette Lichner	Non-executive Director
John Edwards (Chair)	Information Commissioner
Nicola Wood MBE	Senior Independent Director
Paul Arnold MBE	Deputy CEO and Chief Operating Officer
Ranil Boteju	Non-executive Director
Stephen Bonner	Deputy Commissioner (Regulatory Supervision)

Attendees

Ange Balakrishnan	Executive Director, Strategic Communications and Public Affairs
Angela Donaldson	Director of Finance (for item 4)
Claudia Berg	General Counsel
Dervla Kearney	Head of Insight and Research (for item 5.3)
Jen Green	Executive Director, Strategy and Resources
Kevin Parry	Director of Data (for item 5.1)
Louise Byers	Director of Risk & Governance
Louise Locke	Executive Director, Customer Services
Melissa Mathieson	Director of Regulatory Policy Projects (for item 5.3)
Rob Holtom	Executive Director, Digital, Data, Technology (DDaT), Transformation and Delivery)
Tom Reynolds	Director of Economic Analysis (for item 5.3)

Secretariat

Christopher Braithwaite	Corporate Governance Manager
Lauren Chadwick	Corporate Governance Apprentice