

## Employee information disclosure policy

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### Key messages

The main objective of this policy is to provide clarity on how we approach the disclosure of ICO employee information, whether proactively, or in response to FOI and other information rights requests.

### Does this policy relate to me?

This policy applies to:

- Full time and part time employees
- Temporary employees and agency staff
- Secondees
- Present and past staff
- Visiting researchers and external speakers

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## 1. Introduction

The Information Commissioner's Office (ICO) is committed to openness and transparency and recognises that both enhance accountability of public authorities. Government departments and other public bodies now routinely publish the names, job titles and salaries of senior civil servants on [www.data.gov.uk](http://www.data.gov.uk), as part of the government's policy on data and transparency. In addition, the ICO proactively publishes information on its website, e.g. [organogram](#) and [register of interests](#) . We also receive requests under the Freedom of Information Act (FOI) for employees' personal data, in response to which information will be made available to the public at large.

Part of our commitment to transparency by design under ICO25 means we will be taking a disclose by default position in many circumstances. This document sets out how we approach the disclosure of ICO employee information, whether proactively, or in response to FOI and other information rights requests.

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## 2. Our commitment

We will take a proportionate approach when we consider for disclosure personal data about our employees. We balance our obligation and commitment to transparency and accountability with the need not to cause unwarranted interference with our employees' rights.

When we are asked to disclose diary or calendar information that we have not made available proactively, due consideration will be given to the safety of our staff. Where this information is requested outside of an FOI request our staff are advised to consult with their manager before sharing information about a staff member, especially when it concerns movements or whereabouts.

We won't disclose your personal data if it prejudices our regulatory function.

We will consider consulting you when deciding whether to disclose any information that we consider would not be within your reasonable expectations.

## 3. What we expect you to do

Before, or soon after, your start date at the ICO, contact HR if you need to make us aware of a specific reason why your personal information (for example, your name, place of work and/or photo) cannot be provided as part of a disclosure. HR will collate this information and ensure Information Access are aware of this, should any request be made for your information. At any later point, if you have any concerns about information being released you need to inform us of this fact.

If you have any questions regarding the interpretation of this policy or applicability to a specific information request, please contact a member of the Information Access Team.

## 4. When do we disclose information about staff?

We disclose information about staff for varied reasons. The below list is not exhaustive:

- In response to a request for information under Freedom of Information Act (FOIA).
- In response to data subject right of access requests (SARs) we receive under the data protection legislation.
- As part of proactive disclosure of information.
- To comply with a legal obligation or in line with government guidance (for example, in respect of senior staff remuneration and our register of interests).
- As part of you representing the ICO externally and when you interact with others as part of your work.

## 5. How do we decide?

The Information Commissioner has issued guidance to public authorities on the subject of access to information about public authorities' employees which is available on our website [here](#), including information about how and when to disclose public sector salaries. This external guidance has been taken into account when drafting this policy.

This explains how we approach the disclosure of information about staff working in different capacities with the ICO either proactively or in response to SARs and FOI requests. We will continue to consider all requests for information to the ICO on a case-by-case basis in line with the principles set out in this policy. Decisions on disclosure in connection with information requests will be made by the Information Access team and should it be necessary to consult individual staff members, these views will be recorded on the case.

When we consider the disclosure of information about employees we will always establish if we have a lawful basis for disclosing the information.

We always consider the purpose and necessity of the disclosure and

balance the public interest in transparency and accountability against the interests and rights of the staff member. In some circumstances, even though disclosure may cause distress to the employee, this does not necessarily mean that we will not disclose that information. We must consider the legitimate public interest in disclosure and balance this against the rights and interests of employees. Objections to processing will be handled in with the UK GDPR. Such requests will be handled by the Information Access team in the first instance.

As part of this balancing exercise, we will take into account the reasonable expectations of our employees. This will involve consideration of a number of factors, including, amongst others: the nature and content of the information, our existing guidance, policies and standard procedures (such as this one), privacy notices and any specific assurances given to individuals. Further information can be found in our guidance on: [Requests for personal data about public authority employees \(ico.org.uk\)](https://ico.org.uk/for-organisations/our-roles-and-functions/our-guidance/requests-for-personal-data-about-public-authority-employees).

We will give consideration to the following factors when making our decision:

#### a. Type of data

Due to its sensitivity, the conditions for processing special category data are very restrictive and generally concern specific, stated purposes. It is unlikely that we will disclose special category or criminal conviction data about our employees proactively or in response to FOI requests. There are few exemptions to this, for example when the employee chose to make it public.

We consider the potential harm or distress that the disclosure of certain types of data can cause the employee, for example to their safety or security. Examples of this could include:

- addresses of accommodation used whilst travelling on business where the accommodation is regularly and habitually used;
- information about individuals where there is a reason to believe that disclosure would create a risk to their safety or security.

When considering the expectations of an employee about whether a certain type of data can be disclosed, we consider the reasonableness of disclosure in general. This does not necessarily have to accord with the expectation of individual employees. We must also take into account whether that expectation is a reasonable one to hold.

#### b. Seniority and public facing roles

Members of the Executive Team should expect more information to be disclosed about them than junior staff. We already disclose lots of information about ET proactively.

Senior staff in posts carrying a greater level of accountability, or those responsible for major policy decisions and the expenditure of public funds are more likely to have their information disclosed proactively or via responses to FOI requests.

Staff with managerial responsibilities should also have higher expectations about disclosure of information relating to them when compared to junior employees or those working in an administration role.

If we receive an information request regarding staff with managerial or decision-making responsibilities, public facing members of staff and those who interact regularly with stakeholders and contractors, we will usually disclose the types of information included in the "What information could be disclosed about you under FOI" section below. This will typically include staff across the organisation at level D or above.

However, a distinction based on grade will not always be appropriate. In some cases, for example where an employee of junior grade incurs business related expenses, it may be appropriate to disclose this information.

#### c. Work related information

Information about work related opinions and any expenses claimed by an employee are more likely to be disclosed. Typically, we will not

disclose information about an employee's private life (e.g. home address, tax codes etc.).

## 6. Proactive disclosure

We make information available proactively either in line with our transparency obligations or as required by law, for example;

- Executive Team members (ET) and Non-Executive Directors and level H staff members' [expenses](#) are published every month,
- remuneration information for ET is published in the annual reports,
- organograms by name from Head of Department and above are published on the ICO website [here](#),
- the names, job titles and salaries on [www.data.gov.uk](http://www.data.gov.uk) as part of the government's policy on open data and transparency. Salaries are given in bands of £5,000 (e.g. £120,000 to £124,999). For more junior posts only the job title and pay scales are disclosable.
- [register of interests](#) for the management board,
- blogs and recordings of speaking engagements for staff with public facing roles,
- disclosure of internal speaking engagements and blogs on IRIS and similar platforms,
- main boards and committees' minutes of meetings,
- recordings of workshops and conference presentations, and
- signatories to formal notices (e.g. decision notices) are routinely published.

This is not an exhaustive list.

## 7. What information could be disclosed about you under FOI

The types of information we would usually disclose about staff under FOI include:

- Names, job titles, work email addresses and work telephone numbers, except if you have objected to the disclosure due to safety concerns and this has been recorded by HR. Additionally, there may be some cases where disclosure could prejudice our regulatory work
- Salary scales for job levels B-F (not actual salary), or for those individuals at level G and above, salaries within a £5,000 band.
- Exceptional circumstances are needed to justify the disclosure of exact salaries. In such cases there may be additional public interest factors that outweigh any detriment to the employees concerned. These exceptional circumstances are outlined [here](#).
- For secondees paid via the ICO payroll earning over the start point of the level G pay scale, salary within a £5,000 band.
- For the Executive Team and those undertaking speaking engagements, photographs and biographical information, blogs.
- For senior staff, those with managerial responsibilities or undertaking a public facing role we will disclose: years in post, previous positions held at ICO, except when elements of your post are confidential or can pose a risk to you.
- Position in corporate structure, roles, duties, work-related responsibilities.
- Summaries of expense claims, amounts claimed by named employees, secondees and contracted staff where sufficiently senior. For secondees and contracted staff we will work with HR to determine their seniority.
- For more junior staff we would expect to disclose summaries of expenses claims, and amounts claimed, by job title.

- Vocational training or secondments undertaken whilst employed at ICO.
- Business-related entries in office diaries or schedules. Safety considerations and any prejudice to our regulatory function will be factored into any decision.
- Any work-related opinions, for example case notes containing your opinion about an investigation or a complainant (particularly in the case of a subject access request), even if they are critical or inappropriate. This includes any information found in channels or chats on MS Teams, Yammer and other similar platforms.

The above lists are not exhaustive. Consideration will be given to the employee's position in the organisation and their role before a final decision is made on the disclosure. All disclosures under FOI (and subject access) are considered on case-by-case basis by the Information Access team, with reference to the principles set out in this policy and our published guidance. The Information Access team will usually only consult with individual staff if disclosure appears to be outside the expectations set out here.

## 8. Information unlikely to be disclosed about you under FOI

The following types of information are unlikely to be disclosed about our employees, however disclosures in response to FOI requests will be handled on case-by-case basis and may be disclosed if an employee agrees, for example.

- Personal details obtained by Human Resources as part of the recruitment process, e.g., CVs, the content of job application forms, references, qualifications, work histories (unless you have made such details publicly available).
- Home addresses / contact details, next of kin information, personal interests and other non work-related information.
- Special category data (for example, ethnicity or sexual orientation).

Aggregated data is disclosed to comply with equality requirements.

- Details of non work-related examinations, qualifications or training undertaken whilst employed at ICO or previously.
- Security clearance information, in particular where, as part of the security clearance process, there is a requirement not to disclose someone's clearance status.
- Private entries in office diaries or schedules, e.g., medical personal appointments.
- Details of personal development reviews and other staff interviews, for example, dispute resolution or disciplinary proceedings.

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## Feedback on this document

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## Version history

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