

Regulatory Committee minutes

5 December 2024

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

1. Introductions and apologies

- 1.1. Apologies for absence were received from Jeannette Lichner, Emily Keaney, Claudia Berg and Melissa Mathieson.
- 1.2. Tim Capel and Tom Reynolds were welcomed to the meeting.

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. All actions from previous meetings had been completed.

4. Better Regulatory Interventions – regulatory transformation programme update

- 4.1. Paul Arnold presented a report providing the Committee with an update on delivery and implementation of the BRI programme.
- 4.2. In addition to the updates provided in the report, the Committee was informed that the next BRI Programme Board meeting was due to consider proposed updates to case management systems. These updates would provide enhanced functionality to these systems throughout the organisation, and, if approved, were expected to be implemented by the end of March 2025.
- 4.3. The Committee discussed the challenges in recording success in delivering cultural change, which was a key deliverable of this programme. The Committee commented that cultural change tended to progress at different paces in different areas until a critical mass was achieved, which could then spur change throughout the organisation. The Committee also highlighted the importance of including qualitative judgements of progress. The

Committee was informed that a critical mass supporting the changes did appear to be achieved, and good progress was being made. There was also more openness to change than had been the case in the early stages of the programme. The Committee noted that the approach to impact reporting, to be discussed later in the meeting, should provide more concrete evidence of the impact of the BRI programme's delivery.

- 4.4. The Committee also discussed challenges in ensuring appropriate prioritisation between programmes, particularly in key technical areas such as DDaT, which supported multiple programmes, and how this risk was being mitigated. The Committee particularly discussed the benefits of and approach to outsourcing to create additional capacity, particularly in specialised and discrete areas.
- 4.5. The Committee discussed the overall timescale for completing the BRI programme. The Committee was informed that the programme was currently in phase two (establishing systems and processes). The target was to complete this phase by the end of March 2025, and then phase three (delivering in line with the new systems and processes) would take at least a further six months. The Committee highlighted the importance of publishing information about the updated systems and processes, to ensure that organisations understood how the regulator worked. This was planned and was intended to align with approval of the Data Use and Access Bill.

5. [Current and emerging high profile regulatory activity](#)

5.1. Supervision activity

- 5.1.1. Stephen Bonner presented a report providing an overview of current and emerging high profile supervision activity. He also provided an update on PECR fines which were due to be issued later in the day.

5.2. Policy outputs

- 5.2.1. Tom Reynolds presented a report providing an overview of current and emerging high profile policy outputs.
- 5.2.2. The Committee stressed the importance of continuing to prioritise development of quality assurance functions within the ICO, to ensure that these findings continued to be accurate and robust.

- 5.2.3. The Committee was also informed that consideration was being given to launching an investigation into recommender systems. If taken forward, this work would include significant collaboration with Ofcom in their online harms remit.

5.3. Regulatory risks

- 5.3.1. Stephen Almond presented a report providing an overview of current and emerging regulatory risk matters.

5.4. Litigation activity

- 5.4.1. Tim Capel presented a report providing an overview of current and emerging high profile litigation activity.

6. [Public sector fines approach](#)

- 6.1. Tom Reynolds and Amanda Williams presented a report providing information on the outcomes of the two year pilot approach to public sector fines and setting out the next steps for this work.
- 6.2. The Committee highlighted the benefits of communications around the public sector approach focusing on the overall aims of the public sector approach and different powers being used, and avoiding the focus on fines; fines tended to draw attention and therefore the focus on them was understandable, but the overall aim of the approach was to improve behaviours and compliance across the public sector, with fines only one part of the ICO's regulatory options. This was particularly important as there were perceptions that fines were the only effective kind of regulatory action.
- 6.3. The Committee discussed the role of data protection officers (DPOs) in the public sector as a key stakeholder in delivering the aims of the approach, and progress in working with DPOs. The Committee also highlighted the breadth of the public sector as a whole and the importance of continuing to broaden engagement to include the whole sector.
- 6.4. The Committee commended the quality of the post-implementation review report and commented that this should be shared with all NEDs. The Committee suggested it may be beneficial to have the review report peer reviewed, to ensure the findings were considered to be robust externally, particularly as the executive summary could potentially be perceived as biased. The Committee was informed that peer review had not been possible for this product due to the desired timescales for delivery.

Decision

- 6.5. The Committee endorsed the proposed approach set out in the report.

7. Strategic approach to impact

- 7.1. Tom Reynolds presented a report setting out the proposed approach to measuring impact, ahead of further development of this approach.
- 7.2. The Committee noted that Tracey Waltho would be consulted on this work as it was developed, given her experience and expertise in this area.

Decision

- 7.3. The Committee endorsed the proposed approach, ahead of further discussions of the approach at future meetings.

8. Any other business

- 8.1. There were no items of other business.

9. Messages for Management Board

- 9.1. The Committee agreed that the key messages from this meeting to share with Management Board were the delivery of the public sector approach report, progress with the BRI programme, and delivery of cross-cutting multi-disciplinary work. This was particularly pleasing in relation to progress with developing the internal culture in alignment with the aims of these programmes.
- 9.2. The Committee also highlighted that one of the overarching themes of the discussion at this meeting had been outcomes and measuring impact, rather than focusing on internal processes, and this theme should be highlighted to the Board.

Attendance

Members

John Edwards (Chair)	Information Commissioner
David Cooke	Non-Executive Director
Tracey Waltho	Non-Executive Director
Paul Arnold MBE	DCEO and Chief Operating Officer
Stephen Bonner	Deputy Commissioner (Regulatory Supervision)
Peter Hustinx	Independent Member of the Regulatory Committee

Attendees

Amanda Williams	Director of Public Affairs (for item 6)
Angela Balakrishnan	Executive Director, Strategic Communications and Public Affairs (for item 6)
Louise Byers	Director of Risk and Governance
Stephen Almond	Executive Director, Regulatory Risk
Tim Capel	Interim General Counsel
Tom Reynolds	Director of Economic Analysis

Secretariat

Chris Braithwaite	Corporate Governance Manager
Fiona Wilcock	Corporate Governance Officer