

## ICO Policy and procedure regarding Party Political Activities

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### Key messages

The main objective of this policy and procedure is to provide:

- To ensure that all staff are aware of their responsibilities to the ICO if they are engaged in party political activity either at a local or national Level H.
- To ensure that individuals are aware that their employment with the ICO carries with it a requirement to act in a politically neutral



manner with regards to matters relating to data protection, freedom of information or other issues related to the business of the ICO.

- To explain the extent to which members of staff may take part in party political activities at both local and national level.
- To obtain affirmation of the nature of political activities in which an individual is involved and confirmation that they understand the extent to which they may be politically active and any limitations placed upon them.

## Does this policy and procedure relate to me?

This policy and procedure relates to employees of the Information Commissioner's Office looking to take part in Political Activities.

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## 1. Introduction



- 1.1 The rules on political activities have been designed to allow you to have the greatest possible political freedom compatible with certain safeguards to protect the impartiality of the ICO and its staff. The ICO is an independent body and it is important for it to be free from party political bias, and to be clearly seen and acknowledged as being free from such bias.
- 1.2 It is therefore inappropriate for members of staff to make reference to the ICO, its policies, funding, management or other dealings in the context of party political speeches, literature or other forms of party political activity. Staff must avoid party political activities which may reasonably be regarded as having the potential to impair their ability to perform their duties in an impartial manner.
- 1.3 This policy refers to party political activity and not involvement in activities organised by recognised trade unions. Accredited trade union representatives may, from time to time, comment on Government policy when representing the legitimate interests of their members, but in doing so they must make it clear that they are expressing views as representatives of the union and not as ICO employees.
- 1.4 You should read this policy in conjunction with the Staff Code of Conduct and your contractual obligations as outlined in your statement of main terms and conditions of employment.
- 1.5 Staff will be reminded of the need to obtain permission to participate in party political activity on an annual basis.

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## 2. Restrictions

- 2.1 You do not need permission to be a member of a political party unless you are a member of staff at Level G or H, or if you provide private office services directly to the Commissioner. You are, however, required to obtain permission to take part in national or local party political activities.
- 2.2 The procedure for obtaining permission is described later in this policy; the same process is used for declaring party political membership for the staff mentioned above.
- 2.3 As part of the process of obtaining permission you must sign a declaration, as outlined later in this policy, stating that you understand your responsibilities to the ICO and agree that you will not engage in



party political activity which is in any way related to the organisation or its work. You must also declare if you are standing for, or elected to, official office and declare the areas of responsibility or portfolios attributed to you.

- 2.4 The ICO may withdraw permission for your continued participation at any time, and without prior notice, if there is a change in relevant circumstances.
- 2.5 If you are refused permission to become engaged in such activities you will be given a full explanation in writing and will have a right of appeal.
- 2.6 You must not take part in any political activity when on duty or on official premises. Political activities must not be allowed to interfere with your official hours of duty.
- 2.7 You must not attend outside conferences or functions convened by or under the aegis of a party political organisation in your official capacity, unless agreed by the ICO for the purposes of stakeholder engagement or information provision.
- 2.8 Your personal political views must not influence the way in which you carry out your official work.
- 2.9 You must take every care to avoid causing any embarrassment to the Commissioner or the office which could result, inadvertently or not, from bringing yourself to public notice in party political matters or controversy.

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### 3. Applying for permission to be involved in political activities

- 3.1 To apply for permission to become engaged in political activities you must email your Head of Department or Director and HR inbox as per page three of our [political activities](#) policy using the template at Appendix 1. The template will require you to provide all pertinent details including:
  - a) name of the party/organisation on whose behalf you will be acting;
  - b) the nature of the activity you will be involved in;
  - c) if you are standing for, or have been elected to, office – including details of your portfolio or areas of responsibility;
  - d) whether you believe there is any scope for a conflict of interest between your political activities and those of the ICO; and
  - e) whether you feel there is potential for your political role to cause embarrassment to the Commissioner or the office;
  - f) A declaration that you understand and agree to adhere to the ICO's policy on party political activities.



- 3.2 The Head of Department or Director will consider your request and respond to you in writing within 28 calendar days of receiving your request. They may seek advice from other senior managers if necessary.
- 3.3 If your request for permission is granted, you will be informed via email. You must commit to informing the ICO of any changes to your political circumstances via the submission of a revised template.
- 3.4 If your request is rejected you will be given a full written explanation explaining the decision. Permission will normally only be refused if you are employed in a sensitive area of work in which the impartiality of the ICO is most at risk.
- 3.5 You have the right to appeal against a decision to refuse you permission to become engaged in party political activity. To do so you must write to the Head of Department or Director within 14 days of receipt of the notification in which you were refused permission. Your letter of appeal should provide as much detail as possible about why you feel you should be given permission to participate in political activity.
- 3.6 Your letter of appeal will be considered by an appeal panel of two people nominated by the Commissioner. The panel may include the Commissioner, members of the Senior Management Team or non-executive members of the management board.
- 3.7 If the appeal panel feel it is necessary, you may be offered the opportunity to meet with the panel to provide further details of your request for involvement in political activities. If such a meeting is held you may be accompanied by a colleague or trade union representative.
- 3.8 You will receive a written response within 28 calendar days of your appeal being received, or of the appeal meeting taking place if such a meeting was held.
- 3.9 There is no further right of appeal under this procedure.
- 3.10 Your permission to be involved in party political activities may be reviewed if you change jobs within the ICO to one which has greater political sensitivity, or if the nature of your party political activity changes.
- 3.11 If you change job role within the ICO, or are thinking of applying for a new job within the ICO, you should contact the Head of Department or Director who will determine if a review of your authorisation for party political activities is necessary. If a review is required and you are no longer able to be involved in party political activities, the steps described in sections 5.4 – 5.9 will be repeated.



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## 4. Procedure for requesting permission to stand for election

- 4.1 You must inform the Head of Department or Director if you intend to stand for election to a local authority and subsequently confirm whether or not you were elected. If you are elected, and intend to stand again in the same seat in subsequent elections, you do not need to re-confirm your intention to stand. You must, however, inform the Head of Department or Director if you stand down during or at the end of your term of office.
- 4.2 If you are elected you must keep the Head of Department or Director informed of your particular areas of responsibility and of any potential conflicts of interest between your status as a councillor and as an employee of the ICO.
- 4.3 You must not enter into official activities which cause a conflict of interest between your political activities and your work responsibilities e.g. acting on behalf of a constituent in appealing against a decision made by the ICO – you should refer the issue to a fellow councillor.
- 4.4 If you are adopted to stand as a candidate for Westminster, the Scottish Parliament or the Northern Ireland or Welsh Assemblies you must resign from the ICO before standing for election. You must inform the Head of Department or Director that you have been adopted as a candidate as you may need to resign at short notice when an election is called.
- 4.5 If you are not elected you will be reinstated to your former post provided you confirm with the Head of Department or Director that you wish to apply for your former position within one week of declaration day.
- 4.6 If you are elected you may still apply to be reinstated provided that:
  - a) you ceased to be an MP; MSP; MLA or AM after an absence from the ICO of not more than 5 years;
  - b) you had at least 10 years service prior to your election; and
  - c) you apply to be reinstated within 3 months of ceasing to be a MP; MSP; MLA or AM.
- 4.7 If the first two conditions are not met, reinstatement will be discretionary.
- 4.8 If you are reinstated the period of the break will not count for pay or superannuation purposes.

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## 5. Impartiality

- 5.1 Whether or not you are given permission to undertake political activity, it is of utmost importance that you act with complete impartiality in relation to your work at the ICO.
- 5.2 Individual party political allegiances must not interfere with the right and proper processing of the work of the ICO.
- 5.3 When making public speeches or writing documents on behalf of the ICO you must not express any party political preferences.
- 5.4 When making political speeches or writing political documents you must not make reference to the ICO, its work, management, funding or related matters. This is the case even if you intend to make it clear that the opinions you seek to express are your own personal views and not those of the ICO. This is because there is too great a risk for your personal views to be interpreted as representing ICO policy.

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## 6. Contravention of this policy

- 6.1 If you contravene the requirements of this policy you may be subject to a disciplinary investigation and subsequently, if it is found that you have acted inappropriately, you may receive a disciplinary penalty.
- 6.2 Depending on the nature of the contravention of this policy disciplinary action may vary from a verbal warning, first written warning, final written warning or even dismissal if the contravention is found to constitute a breach of contract or gross misconduct.
- 6.3 If you ever have any doubts about the requirements of this policy you should contact the Head of Department or Director for clarification.

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## 7. Frequently asked questions

### 7.1 What is meant by the term 'political activity'?



This refers to the active engagement in party political matters such as standing in local or national elections, being involved in canvassing, raising money for a political party, being on a local party management committee etc.

For the sake of this policy being an otherwise inactive member of a political party does not require you to seek permission to be involved in political activity.

If you are unsure if your party political involvement counts as 'activity' under this policy you should go through the process of applying for permission.

## **7.2 Why is the ICO so particular about involvement in political activity?**

It is of paramount importance that the ICO is acknowledged as being free from party political bias and influence. The work that we do can often be of a politically sensitive nature and any substantiated allegations of bias would have serious repercussions for the future of the ICO.

## **7.3 Doesn't this policy curtail my democratic rights?**

This policy has been written to advise you about your political freedoms as much as any restrictions which are necessary to put in place. The ICO does not seek to prevent its staff from becoming involved in political activities, and the norm will be that permission will be given to be politically active.

However, the organisation does seek to ensure that the potential for conflicts of interest, or the perception of conflicts of interest, is minimised as is the possibility of the ICO being accused of being politically biased.

## **7.4 Does the ICO allow people to be active in all parties? What about extremist parties?**

The ICO is politically neutral and so does not dictate which political parties individuals can join. However, it is a contractual requirement for all staff that they do not participate in private interests which may embarrass the public image of the Commissioner and the ICO.

## **7.5 This policy is all about party political activities. What about other activities that are not party political, but still have a political angle, like being a member of a pressure group or a local interest group?**

The obligation to remain politically neutral in relation to the activities of the ICO and not to embarrass the public image of the Commissioner and the





ICO extends to non-party political activities like involvement in a pressure group or a local interest group.

This policy does not require you to declare your involvement in such activities as it is focused on party political matters. However, you should seek advice from Human Resources if you are unsure about the potential of your activities to cause embarrassment to the ICO.

The Staff Code of Conduct requires staff to declare outside interests such as secondary employment, directorships and non-executive positions.

**7.6 What should I do if I think that my private political activities have been interpreted as representing the ICO?**

You should speak with the Head of Department or Director as soon as possible and explain what has happened. They will liaise with Senior Management colleagues in order to assess any impact on the ICO's reputation and how this can be managed.

**7.7 I am a member of the Senior Leadership Team. Why do I have to declare if I am just a member of a political party?**

This requirement goes beyond that required of most staff and described in the political activities policy, but is required because of the sensitivity of issues that senior staff may need to deal with.

## 8. Resources

The guidance for civil servants, upon which much of this policy is based, can be found in section 4.4 of the civil service management code which can be found at:

<http://www.civilservice.gov.uk/about/resources/csmc/CSMC-4.aspx>

See the appendix to this policy for a sample statement of agreement not to engage in political activities relating to the work of the ICO.

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## 9. Related Forms

Request for permission for involvement in political activity and statement of understanding – Form

**Political activities policy  
Request for permission for involvement in party political activity and  
statement of understanding**

<b>Name:</b>	
<b>ICO Job and Department</b>	
<b>Political party represented:</b>	
<b>Nature of activities:</b>	
<b>Details of political office sought/held (including details of portfolio)</b>	
<b>Potential conflicts of interest identified</b>	

I \_\_\_\_\_ [name] am seeking permission to be involved in party political activities.

I understand that it is a condition of my contract of employment, ICO Staff Code of Conduct and of the policy regarding party political activities, that my private interests must not subordinate my duty or put myself in a position where my duty and my private interests conflict.

I recognise and understand that I must not make use of my employment with the Information Commissioner's Office to further my private interests and will not undertake any activity which may embarrass the public image of the Information Commissioner or the Information Commissioner's Office.

I understand that this means that during my period of employment with the Information Commissioner's Office I may not engage with, or comment upon, party political activity which relates to the work and areas of responsibility of the Information Commissioner's Office.

I therefore undertake not to make any party political comment, either verbally or in written form, on the work of the Information Commissioner's Office and to ensure that my private political interests do not overlap or conflict with the work and activities of the Information Commissioner's Office.

I understand that I must notify the Head of Department or Director if I feel there is or has been any possibility that my private political activities may be construed as action on behalf of the Information Commissioner's Office.

Signed:

Date:

Approved by:

Signed:

Date:



## Version history

Version	Changes made	Date	Made by
1.2	Updated organisational structural changes and template changes	June 2024	Human Resources
	Next Review Due	June 2025	