

Draft ICO Impact Assessment Framework

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Sent to: ImpactandEvaluation@ico.org.uk

UK Finance is the collective voice for the banking and finance industry.

Representing more than 300 firms across the industry, we act to enhance competitiveness, support customers and facilitate innovation.

1. Overall, we do not have significant concerns about the draft Impact Assessment Framework (IAF). We do have several observations, queries and suggestions, which are set out below.
2. **Consultation and consultation periods** – effective consultation and reasonable response periods are necessary for good policy development. The IAF should be expanded to explain in more detail how decisions will be made about whether to consult and for what length of time. For example, is there a default consultation period or a minimum consultation period?
3. **Review of guidance and codes post-implementation** – it would be helpful to have more information in the IAF on this topic. For instance, would the ICO publish a report following such a review, or consult on how the guidance or code has worked in practice? We note that the government Magenta Book is relevant in this regard.
4. **Interaction with other regulators and regulations** – the IAF should include how ICO will seek to interact with other regulators and how it will consider the interaction of its proposed intervention with other regulations. We note, for example, that the key impact of the ICO's recent '[regulatory communications](#)' guidance relates to its interaction with rules from other regulators, such as the FCA's Consumer Duty, which appear to be in tension with each other.
5. **On page 4 the IAF states:** "These existing and anticipated duties have a common basis in general good regulatory practice. This includes ensuring that interventions are: made only when necessary...." It would be helpful to expand on when interventions would be deemed necessary, such as any criteria or thresholds to be applied.
6. **Section 1.4** refers to using impact assessments (IAs) to increase 'public participation'. We note that the *ICO25 Strategy Plan* talked about establishing a "reference panel for consumers", which would publish recommendations and input into ICO guidance. It would be helpful for the IAF to clarify the role of the consumer 'reference panel' in IAs.
7. **Section 1.2** states that the ICO will "normally set out" its reasons for not doing an IA, if this decision is a departure from the IAF guidelines. Where this occurs, would there be a tool or opportunity for the public or industry stakeholders to challenge this decision?
8. **Section 2.2** refers to avoiding duplication of activities through cooperation with other regulators.
 - a. Would this principle apply to foreign regulators, or only those in the UK?
 - b. Is there a process for resolving disagreements between regulators about the impacts of a regulatory intervention?

If you have any questions relating to this response, please contact Walter McCahon at walter.mccahon@ukfinance.org.uk.

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