

Executive Team – for assurance

Date: 6 May 2021

Prepared for: Executive Team

Prepared by: Suzanne Gordon

Approver: Jen Green

Topic: EDI Objectives

Purpose of report: This report describes the objectives for 2019 to 2022 and outlines the progress made against them over the last year.

Reason for report: For ET to comment on the agreed objectives and progress made before they are recommended to Management Board.

Time required: 10 mins

1. Background

- 1.1 The Equality Act 2010 places obligations on Public Authorities to provide equality of access to their services, and also requires them to establish objectives to continually improve the way in which those services are delivered in an inclusive manner. These objectives need to be reviewed periodically to ensure that they remain relevant.
- 1.2 In 2019, the then E&D Committee proposed 4 Equality Objectives for the ICO for 2019-2022. These objectives aim to focus our actions on awareness raising and taking action to support those with protected characteristics; ensuring our services are accessible across the community; using our influence as a means of improving equality, diversity and inclusion in other organisations; and being a good, fair, inclusive and accessible employer.
- 1.3 SLT agreed the objectives as follows:
 - **Spreading knowledge and taking action:** We will raise awareness of information rights across the community and take action to ensure that organisations fulfil their

obligations. We will have particular focus on groups and sectors where knowledge gaps may cause information rights inequalities or vulnerabilities. We will ensure that in our actions as a regulator we do not create inequalities or discriminate.

- **Accessible services:** Our services and information will be accessible for users and potential users of our services, and we will provide our staff with the skills and knowledge they need to provide high quality services for all. We will try to anticipate customer needs and we will take action to remove barriers to our services when possible.
- **Encouraging others:** We will use our status as a regulator, advisory body and purchaser of services to influence improvements in equality by other organisations and across society.
- **Employer:** Our workplaces and practices will be accessible, flexible, fair and inclusive. We will value the diversity, skills, backgrounds and experience of our people, enabling them to perform to their best in a welcoming and supportive environment.

1.4 Annex 1 sets out the progress made against these objectives over the last year.

2. Discussion

2.1 The EDI board reviewed the objectives in April and agreed that they remain relevant and appropriate. They state that the objectives continue to ensure that the ICO is an inclusive, accessible and diverse regulator, service provider and employer.

2.2 They also believe that while significant progress has been made, there are still further actions required to deliver against them in their final year to 2022 and are planning to review their work programme for the year ahead. The objectives as they stand allow the space to further develop the plans and oversee activity across the office without needing to be changed. For example, the EDI board are developing a workstream to review social mobility within the organisation and it is felt that this firmly sits under the 'Employer' objective.

- 2.3 In line with objective tracking and annual business planning process the board will review the objectives again in the year ahead, ready for their final review and delivery date in April 2022. The upcoming independent EDI audit, which Diversity McKenzie will commence in May, will significantly inform this work.

3. Summary of assurance provided

- 3.1. This paper outlines the thinking of the EDI board and actions taken against the objectives in the last year. It summarises the in built flexibility of the objectives to enable the board to continue to keep their focus as well as increase their ambition and inform their work programme.

4. Next steps

- 4.1. The independent EDI audit due to start in May will lay the foundations for the review of our equality objectives as they reach the end of their life cycle in April 2022.

5. Equality, diversity and inclusion considerations

- 5.1. EDI considerations are fundamental to this paper and the assurance provided. By their very nature these objectives and the associated work plans are designed to have positive impacts for equality, diversity and inclusion.

6. Consultation outcomes

- 6.1. The EDI board has been leading this work and the EDI network chairs and their network members consulted as the objectives and outputs were reviewed.

7. Communications considerations

- 7.1. The board provides scrutiny, oversight and works collaboratively with colleagues from across the office to further this work. Internal communications support will be especially important to promote the work to achieve these objectives, promote the work of the networks and ensure that cross office support and activity continues.
- 7.2. External communications support, in line with our corporate narrative is also important, in particular to support upcoming activity such as recruitment.

8. Alignment with values

Ambitious – driving the pace and scale of EDI activity across the ICO, working towards stretching diversity targets and ambitious objectives.

Collaboration – working with the EDI network chairs and across the office to achieve our equality objectives.

Service Focused – taking action to support those with protected characteristics, ensuring our services are accessible across the community.

9. Publication considerations

9.1. This report can be published internally and externally.

Consultees: Andrew Hubert, Michael Collins

Annexes: Annex 1

Annex 1 – Workplan progress summary for 2020/21

Across the office a range of activities to support our objectives has been taking place. To follow is an overview:

Objective 1: Spreading knowledge and taking action

Over the past year Assurance (Supervision) have published a wide range of supervisory guidance products designed to help organisations fulfil their obligations for data protection. This includes a wide ranging privacy management programme (our accountability framework) for organisations. It is a free to use resource that can benefit any size organisation. It includes templates and collected resources to support data protection compliance reducing the need for smaller organisations to rely on consultants, incurring extra costs. The practical support also helps to reduce inequalities that may arise as a result of knowledge gaps and resources between organisations responsible for protecting people's data.

We produced detailed guidance about how organisations should comply with one of the most fundamental provisions of DP law - subject access requests – helping ensure that organisations are informed on how to ensure individuals can access their data this include guidance on dealing with requests from disabled people & requests from children.

Early on in the pandemic we identified an issue relating to vulnerable adults power of attorney and making your wishes clear regarding your data in the absence of power of attorneys (PoAs). At the start of the pandemic people lost access to their usual support networks through lockdown restrictions leaving many elderly and disabled people without support. We produced some guidance making it clear what info people with PoAs should be able to access and we also produced guidance about what individuals could do to make their wishes about who could access their data in the absence of PoA. We worked with the Law Society and GMC on this to best understand the issues and to make sure relevant professional bodies were aware of the guidance.

We also provided substantial feedback that went into the [ICO's response](#) to government consultation on Data Strategy which included highlighting the potential for some proposals to discriminate against more vulnerable members of society.

A communication and engagement plan is in development to raise awareness among children and parents of their data protection rights and the role of the children's code in providing greater protection for their data online. This is particularly important as children are likely to need tailored information to understand and exercise their rights. We will be reaching out to these audiences before the end of the transition period this year, and have been working with a range of children's representatives through our Children's Advisory Panel to ensure we target this engagement appropriately.

In our work in Tech and Innovation to promote and support privacy respectful innovation we have partnered with other organisations in projects to improve data protection practice in markets dealing with vulnerable groups. Examples include:

- We mentored participants in the FCA Digital Sandbox Pilot looking for ways to prevent frauds and scams and to improve the financial resilience of vulnerable consumers
- We supported Innovators working with Nesta's Rapid Recovery Challenge to find solutions to problems encountered by those made economically and financially vulnerable as a result of the pandemic.

The ICO's chairing of the Global Privacy Assembly (GPA) has continually focussed on ensuring a diversity of contributors across all of the project's workstreams since 2018. This means that the ICO has had to collect and reflect a range of views in its activity which reflect the cultural, legal and linguistic diversity from amongst the 132-strong membership, as well as ensuring gender balance in its output. Diversity has been constantly integrated into our approach in developing agendas and offering interpretation for the GPA events, creating a diverse GPA Executive Committee and the set up of a new GPA Reference Panel.

Objective 2: Accessible services

Through our Grants programme we supported Connection at St Martin's in the Field in a project to engage with those experiencing homelessness to better understand the challenges and barriers they faced in understanding how their data was used. As well as producing high quality research into the experience of individuals, the project delivered a practical and accessible tool set designed around the needs of data subjects, informing homeless people of their data rights and how to enforce them. It also

created an outreach process that will be shared across charity networks experiencing similar challenges.

Following the success of this project, one of the categories in the third phase of our research grants programme asks for applications that target Data protection issues and solutions for vulnerable adults and communities.

The Children's code aims to provide additional protections to children, who are likely to be less able to control or understand the ways in which their data is being used. The code completed its parliamentary passage in September 2020, and we are now in the twelve month transition period before the Code comes into force. We are working closely with ISS under scope of the code to ensure that they consider the best interests of children as part of the design and functionality of their services, building in high levels of protection by default.

Objective 3: Encouraging others

Procurement are reviewing their process and EDI screenings will be routinely considered and undertaken where appropriate. Supporting documentation and guidance will be in place by 30 September 2021. We are also exploring further opportunities to ensure that our supply chain reflects our EDI posture.

In our Regulatory Sandbox we undertook a project with Onfido to assist the development of mechanisms to combat inherent bias within AI, and to do so in a way that protects privacy. We have also supported a project with JISC looking to use sophisticated data analysis in order to support student mental health and wellbeing and potentially intervene with students that are vulnerable.

In our work to support the development of GDPR Codes of Conduct we have been working with The National Association of Child Contact Centres as they develop their code. This code deals with child contact centres for the children of separated families to have contact with their non-resident parents / other family members, in a safe environment. Specific 'supervised' centres are used for if there are concerns regarding the safety of the children. Centre delivery ranges from medium sized charities with full time staff, to small local community centres and church halls. The contact centres need to have regularly updated advice and support on compliance with personal data handling requirements. The NACCC code of conduct is intended to provide assurance to users,

supporters, public, government bodies etc, that personal data handling in this sector is maintained to the required standard.

Objective 4: Employer

During 2020-21, the ICO's EDI Board has focused on six distinct workstreams:

- ICO People Policy Review
- Equality Impact Assessment Process Review
- Develop an EDI Training plan
- Improve our diversity data
- Commission an independent EDI audit
- Establish an ICO Corporate Social Identity

The focus of the Board is one of scrutiny and oversight of this work, with many of the EDI Board members chairing and/or attending sub-groups and working collaboratively with colleagues from across the office to further this work.

ICO People Policy Review workstream

Over the last 12 months, members of the EDI Board and Staff Network groups have had the opportunity to comment upon a range of ICO people (staff) related corporate policies. This has helped to ensure that the policies are inclusive and takes into account issues which may impact upon people from different protected groups. The next steps are to work with HR where there are potential gaps in the current policy suite.

Equality Impact Assessment process review

The EDI Board reviewed the ICO's Equality and Impact Assessment (EQIA) process to ensure that the process, template and guidance documents were fit for purpose, met equality legislation, adhered to the Public Sector Equality Duty and mirrored best practice.

To ensure that the new EQIA process feels relevant to all ICO staff and to help emphasise the importance of measuring and assessing the impact on equality; the ICO has rebranded the EQIA process as the People Impact Assessment (PIA) process. This mirrors developing best practice approaches across both the public and private sectors.

Develop an EDI Training plan

The focus for EDI training over the last 12 months has been delivery of our existing mandatory Dignity, Diversity & Inclusion workshop which all ICO new starters attend and introducing new course, such as:

- Mental Health for People Managers.
- Awareness of mental health and autistic spectrum disorder
- Interviewing and selection workshops
- World mental health day
- World suicide prevention day
- Menopause for colleagues
- Menopause for managers
- Mental Health for everyone
- Mental Health for managers

Improving our diversity data

The EDI Board reviews the demographic information of the ICO's staff on a regular basis and has established ambitions for how the ICO's staffing profile will change in the next three years to March 2024.

The EDI Board did not establish specific ambitions for the age or religion/belief demographics for the ICO's staff, though we wish to ensure that our employment practices are as fair and inclusive as possible to ensure that we are able to attract and retain people from different characteristics.

It is worth noting that there has been some movement in the demographics of the organisation in the last 12 months with small increases in the percentage of ICO staff from an ethnic minority background and staff that declared they are disabled. Although there has been progress in that time, our ambitions are stretching and there is much further work to be done if we are to achieve them. An updated action plan to meet these targets is to be taken to our next EDI board in Q1 20/21.

The EDI Board will continue to monitor this data and seek to identify opportunities to increase the diversity of our workforce.

Commissioning an independent EDI audit

As part of our continuing commitment to putting equality, diversity and inclusion at the heart of everything we do, the EDI Board has

commissioned Diversity McKenzie to conduct an independent Equality Audit to commence in May 2021.

The audit will cover:

- Policies and Procedures
- Learning and Development/Training
- Equality Impact Analyses
- Inclusiveness of services we provide
- Inclusiveness of leadership
- Procurement Processes
- HR Processes
- Recruitment Processes
- Pay Equality
- Bullying and Harassment

To be successful cross office support and engagement will be required. We are committed to publishing this report and anticipate that the findings and recommendations, will feed into the focus of the EDI Board for 2021/22 and its future workplan.

The ICO Corporate Social Identity

In 2020 the EDI Board commissioned a subgroup of the Board to focus on the development of a corporate framework to promote, respond and engage with social and ethical issues, ensuring that the ICO is able to quickly and appropriately respond to social and ethical issues that may impact on staff, customers and stakeholders.

During this year, there has been a strong focus on the language we use across the organisation with guidance being issued on the terms 'whitelisting' and 'blacklisting' and agreement to stop the use of the acronym BAME, instead to use 'ethnic minority'.

The corporate 'Keeping it simple' and 'Writing to influence' training has also been updated with these considerations in mind.

There has been an increased focus on EDI communications internally, with more opportunities to share the work of the networks, raising the profile of the networks and engaging people in their activities.