

Management Board minutes

16 March 2020

Members and other attendees present

Paul Arnold	Deputy Chief Executive Officer (Chair)
Ailsa Beaton	Non-executive Director
David Cooke	Non-executive Director
James Dipple-Johnstone	Deputy Commissioner (Regulatory Supervision)
Elizabeth Denham	Information Commissioner
Peter Hustinx	Non-Executive Director
Jane McCall	Non-Executive Director
Simon McDougall	Executive Director – Technology and Innovation
Nicola Wood	Non-executive Director
Steve Wood	Deputy Commissioner (Regulatory Strategy)
Louise Byers	Director of Corporate Risk and Governance
Jen Green	Director of Corporate Communications (for item 5.1)
Christopher Braithwaite	Senior Corporate Governance Manager (secretariat)
Caroline Robinson	Corporate Governance Officer (secretariat)

1. Introductions and apologies

- 1.1. There were no apologies for absence. Paul Arnold chaired the meeting on behalf of The Commissioner, as she was joining via video conference from London.

2. Declaration of interests

- 2.1. Paul Arnold highlighted that all attendees who were ICO staff members had an interest in the discussions relating to pay progression.

3. Matters arising from the previous meeting

- 3.1. The minutes from the previous meeting were confirmed as accurate.
- 3.2. Paul Arnold updated on the function of the Remuneration Advisory Panel. The primary focus of the Remuneration Panel

is the Executive Team pay and it would not consider broader issues relating to pay policy and remuneration issues. The Board agreed that at its May and November meetings it would focus on people and pay issues, to ensure the Board has oversight of any issues in these areas.

Action: Paul Arnold to present reports to the Board's May and November meetings regarding people and pay issues.

4. Commissioner's introduction

- 4.1. The Commissioner highlighted issues of importance for the ICO not covered elsewhere in the agenda, particularly the situation in relation to coronavirus and information rights. As a regulator the ICO would continue to focus on ensuring that the statutory responsibilities are met relating to collection and sharing of people's personal data. The ICO would also continue to facilitate responsible data sharing, particularly in relation to healthcare data. A statement and FAQs in relation to this had been issued the previous week, and a specific coronavirus helpline had been set up.
- 4.2. The Board welcomed the statement and FAQs, which were very clear and helpful. It was highlighted that the ICO will also need to be proportionate and understanding as a regulator during the recovery period after the Covid-19 crisis.
- 4.3. The Commissioner also gave an update on the impact of coronavirus on the ICO's staff and operations. Further information would be provided later in the meeting. The ICO was taking a cautious but responsible approach and was following government advice.
- 4.4. The Commissioner also updated on various other areas of focus in recent weeks, particularly: work with the Global Privacy Assembly (GPA), including preparation for the GPA conference in Mexico City in October; developing the ICO's relationship with the new Government; completion of some priority files.
- 4.5. Ailsa Beaton, as Chair of the Audit Committee, thanked Joanne Butler for the work carried out on the risk register relating to Covid-19.

5. Discussion items

Reputation Narrative

- 5.1. Jen Green presented the paper which was designed to focus the ICO's strategic public narrative around five key areas of messaging. The areas proposed were: protecting the public; the ICO's role as an enabler of innovation and economic growth; how the ICO talks about regulatory action; supporting the public sector to transform services; and the ICO service experience.
- 5.2. The Board welcomed this report and agreed in principle with the content.

Data Protection Prospects

- 5.3. Steve Wood made a presentation to the Board setting out the context, challenges and proposed ICO approach with regard to data protection prospects.
- 5.4. The Board thanked Steve for the presentation and agreed that Steve Wood should provide a report setting out the next steps on the way forward. The Board agreed that this could be considered outside of the usual Board meeting schedule if necessary, either by email or with an extraordinary meeting.
- 5.5. David Cooke and Peter Hustinx agreed to provide assistance to Steve Wood for the development of this paper, including commenting on draft versions.

Action: Steve Wood to present a paper with the next steps on data protection prospects to the next Board meeting, or outside of the usual Board schedule if necessary. Peter Hustinx and David Cooke to comment on draft versions.

2020/21 Budget

- 5.6. Paul Arnold presented the proposed 2020/21 budget and provided an update on the current financial position.
- 5.7. He explained that the ICO had now recovered the projected mid-year deficit on data protection fees.
- 5.8. Paul Arnold explained that budget had been developed prior to the current situation with Covid-19, which would have a fundamental impact on the budget, both in terms of income and expenditure (particularly in terms of recruitment to expand capacity and capability). He explained that he would

present a revised budget to the Management Board's May meeting, to factor in the Covid-19 impact.

Action: Paul Arnold to present an updated 2020/21 budget report to the May 2020 Board meeting.

- 5.9. Jane McCall highlighted that benefits accrued from the service excellence work should be highlighted in narrative which accompanied the budget.

Review of First Year of Pay Progression

- 5.10. Paul Arnold presented a paper giving an update on the pay progression and the lessons learnt to date.
- 5.11. Jane McCall reported to the Board that there has been a whistleblowing report to the Chair of the Audit Committee with regard to the budgets for pay progression. She explained that Ailsa Beaton had requested that Jane investigate this report.

6. Quarter 3 performance against the Information Rights Strategic Plan

Performance against Information Rights Strategic Plan

- 6.1. The quarter 3 report on performance against the Information Rights Strategic Plan was presented for information and discussion.
- 6.2. James Dipple-Johnstone confirmed that the report demonstrated the high level of activity for the ICO. He particularly highlighted the recent meetings with big tech firms in California and the launch of the AADC, both of which had been very successful. Paul Arnold explained that in line with the new frequency of meetings for the Board, the IRSP report would be presented to every other meeting.
- 6.3. The Board commented that the report continued to be a very helpful document, flagging the challenges the ICO faced rather than being solely a checklist of achievements. However, due to the amount of content it included, it was difficult to discuss it fully during the Board meeting. Therefore, the Board suggested that for future meetings time could be reserved outside of the meeting for a more detailed informal discussion of the IRSP report.

Action: Chris Braithwaite to facilitate an informal discussion of the IRSP progress report, either before or after future Board meetings (at every other meeting).

7. Management accounts

- 7.1. This item had been discussed during the 2020/21 Budget item.

8. Risk and opportunity management

- 8.1. Paul Arnold introduced the risk and opportunity register.
- 8.2. Paul Arnold thanked Louise Byers, Joanne Butler and the Business Continuity Team for the work carried out recently with regard to the Coronavirus situation.
- 8.3. Following on from agreement of the Risk Policy, the register was currently being reviewed to ensure that the risk descriptions, scoring and mitigations are consistent and in line with our preferred approach.
- 8.4. Three new areas of risk had been identified. These were currently being scored, but would be ready for the Audit Committee in April. These related to coronavirus, the political environment and reputational narrative.

Action: Louise Byers to present new risks relating to coronavirus, the political environment, and reputational narrative, to the Audit Committee meeting in April 2020.

9. Progress with governance changes

- 9.1 Paul Arnold updated on the work recently carried out with regard to governance and new Executive Team roles.
- 9.2 Paul Arnold confirmed that a review was currently being undertaken of the ICO's HR Policies to ensure that they reflected current best practice. He also explained that Louise Byers was meeting with PHSO with regard to the Accountable Officer role.

10. Coronavirus Preparations

- 10.1. Louise Byers updated on the preparations which had been put in place to date. This work had been linked into the Business Impact Assessments that were carried out late last year and which were reported to Audit Committee in January 2020.

- 10.2. She reported that the ICO had been in contact with other organisations, including DCMS, to ensure that our response is proportionate and consistent with the approach being taken by other regulators.
- 10.3. The main task at the moment was to ensure that the ICO's infrastructure would be sufficient to support the majority of staff working from home, should the need arise. A test of this infrastructure was scheduled to take place on Tuesday 17 March.
- 10.4. Each department are putting together local scenario plans and the ICO was ensuring that managers had the support they need to manage the wellbeing of members of staff.
- 10.5. The Board was informed that the ICO's Data Protection Practitioners Conference had now been cancelled. It was hoped that a smaller replacement event would be held in October. The main content of the Conference will still be delivered via videos and Webinars.
- 10.6. The Management Board asked whether the current scheme of delegation had sufficient redundancy, in the event that one group of the senior team are ill and unable to work. Paul Arnold explained that the scheme of delegation had recently been reviewed and now delegated powers to job levels, rather than named individuals. This meant that there was more redundancy within the scheme. However, there were some issues which could only be delegated to Deputy Commissioners, or could not be delegated at all from the Commissioner. However, these were fairly minimal and were not business critical.

11. Any Other Business

- 11.1. There were no items of other business.