

Management Board minutes

20 July 2020

Members and other attendees present

Paul Arnold	Deputy Chief Executive Officer
Ailsa Beaton	Non-executive Director
David Cooke	Non-executive Director
James Dipple-Johnstone	Deputy Commissioner (Regulatory Supervision)
Elizabeth Denham	Information Commissioner (Chair)
Peter Hayes	Advisor to Commissioner
Peter Hustinx	Non-Executive Director
Jane McCall	Non-executive Director
Simon McDougall	Executive Director – Technology and Innovation
James Moss	Acting General Legal Counsel
Steve Wood	Deputy Commissioner (Regulatory Strategy)
Nicola Wood	Senior Independent Director
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.

2. Declaration of interests

- 2.1. There were no declarations of interest.

3. Matters arising from the previous meeting

- 3.1. The minutes were confirmed as accurate. There were no outstanding actions.

4. Commissioner's introduction

- 4.1. The Commissioner gave an update on issues not covered elsewhere on the agenda. This included the ICO's work in response to COVID-19; recent meetings with parliamentarians; the launch of the Mobile Phone Extraction (MPE) report; the laying of the Age Appropriate Design Code;

and ongoing international work. Looking forward, she also highlighted the key areas for discussion in the upcoming meeting with the Secretary of State for Culture, Media and Sport, and the ICO's role in online harms regulation.

She also noted the excellent work by staff throughout the ICO to continue to deliver the wide range of the ICO's BAU work in the current environment.

She thanked James Dipple-Johnstone and his team for their excellent work in relation to the MPE report. She also thanked Paul Arnold and Jen Green for a session which they ran for staff in relation to our current business continuity operations and the plans towards recovery business as usual. This session had received excellent feedback from staff throughout the organisation, and had overrun its allocated time slot due to the extremely high level of interest from staff.

5. Discussion items

Constitutional Review Update

- 5.1. Paul Arnold presented the report relating to work carried out recently regarding the constitutional review.
- 5.2. Moving forward the ICO will be working with the DCMS to agree the areas of focus for the review and asked the Board to provide steer on direction.
- 5.3. The Board discussed the key issues to explore in the review, particularly focusing on governance and infrastructure.
- 5.4. The Board provided a steer for the Executive for future discussions with DCMS. Paul Arnold explained that he would bring a further update to the Board at the appropriate time.

Regulatory Action Policy (RAP)

- 5.5. James Moss presented the paper relating to the RAP which builds on the discussions with the Board in March 2020.
- 5.6. The Board agreed the proposals outlined in Option 2.

Wellbeing Survey

- 5.7. Paul Arnold provided the headlines from the recent staff Wellbeing Survey.
- 5.8. The Board agreed that overall the survey was positive and shows that the ICO have been able to support staff well

during the current circumstances. Paul Arnold noted that next steps resulting from the outcome of the survey would be picked up in the next phase of the business continuity work.

6. Quarter 1 performance against the Information Rights Strategic Plan

Performance against Information Rights Strategic Plan

- 6.1. The quarter one report on performance against the Information Rights Strategic Plan was presented for information and discussion.
- 6.2. Peter Hustinx commented that the present structure of the report is sufficiently helpful. He requested that future iterations of the report flag up some potential areas where the executive sought input from the Board.

7. Management accounts

- 7.1. The May financial report, which had previously been considered by the Audit Committee, was presented for information.
- 7.2. Paul Arnold confirmed that funding is holding up well under the current circumstances and it has been a successful first quarter.

8. Risk and opportunity management

- 8.1. Louise Byers introduced the risk and opportunity register update which was considered recently by the Audit Committee and confirmed that risks relating to capacity and wellbeing will be kept under review as requested at Audit Committee.
- 8.2. The main highlights were a new risk has been added relating to data prospects and the constitutional review, and the two international risks have been recast into one new risk.
- 8.3. Nicola Wood suggested a new risk, that the ICO – as it is unable to award compensation to complainants unlike other ombudsman services – may not be seen as relevant for complaints about some data breaches or that the ICO may fail to capture data about those breaches because consumers go to an ombudsman scheme where compensation can be awarded.

Paul Arnold confirmed that this will be factored in to the constitutional review and it would be helpful to articulate a risk in this area.

Action: Louise Byers to develop a new risk for the risk register in relation to the ICO's role in awarding compensation.

9. Update on Governance Changes

- 9.1. Paul Arnold confirmed that all work to implement the first phase of the constitutional review (reported to the Board in September 2019) are now in place.
- 9.2. Nicola Wood confirmed that she is currently researching a job description for the Senior Independent Director and will be bringing a paper to the Board shortly.

10. Any other business

- 10.1 James Dipple-Johnstone updated the Board on the work being carried out with the Global Privacy Assembly's International Enforcement Working Group to identify privacy and security gaps and issues in main online meeting platforms. This was important work as the use of these platforms had increased exponentially during the COVID-19 pandemic.