

Management Board minutes

19 July 2021

Members

Paul Arnold	Deputy CEO and Chief Operating Officer
Ailsa Beaton	Non-executive Director
Stephen Bonner	Executive Director (Regulatory Futures and Innovation)
David Cooke	Non-executive Director
Elizabeth Denham	Information Commissioner (Chair)
James Dipple-Johnstone	Chief Regulatory Officer
Peter Hustinx	Non-executive Director
Jane McCall	Non-executive Director
Simon McDougall	Deputy Commissioner Regulatory Innovation and Technology
Nicola Wood	Senior Independent Director
Steve Wood	Deputy Commissioner (Regulatory Strategy)

Attendees

Christopher Braithwaite	Senior Corporate Governance Manager (secretariat)
Claudia Berg	General Counsel
Tim Bowden (item 5.3)	Acting Director of Communications
Louise Byers	Director of Risk and Governance
Jen Green	Executive Director (Change and Transformation)
Peter Hayes	Advisor to the Commissioner and Executive Team
Emily Keaney (item 5.2)	Director of Regulatory Strategy
Caroline Robinson	Corporate Governance Officer (secretariat)

1. Introductions and apologies

- 1.1. There were no apologies for absence.
- 1.2. The Commissioner highlighted that this is Simon McDougall's last Management Board meeting and thanked him for his leadership and support of the Board and ET. She also thanked him personally for all his support and friendship over the past 3 years.

2. Declaration of interests

- 2.1. Nicola Wood declared an interest in item 5.5 (EDI targets) as she is a mentor for the Social Mobility Foundation.

3. Matters arising from the previous meeting

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

4. Update from Senior Independent Director

- 4.1. Nicola Wood provided an update on the recruitment process for the new Commissioner.
- 4.2. The Board agreed that Nicola Wood should write to DCMS to seek a discussion regarding the risk of the next Information Commissioner not being in post by 1 November.

5. Discussion items

Enduring objectives and performance indicators

- 5.1. Paul Arnold presented the report asking the Board for views on the direction of travel of the enduring objectives. This work is being carried out in preparation for the new Commissioner being in post.
- 5.2. The Board supported the direction outlined in the report and agreed that it would be helpful to strengthen the wording relating to value for money and efficiency of the work within the report.
- 5.3. Paul Arnold explained that the final version of these objectives would return to the Board for approval early in the new Commissioner's term.

Action: Paul Arnold to provide the final enduring objectives and performance indicators to the Board for approval, early in the new Commissioner's term.

Constitutional Review Update

- 5.4. Emily Keaney joined the meeting for this item and presented the paper providing an update on the data reform and ICO review.
- 5.5. She explained that the ICO has continued to work with DCMS as they review the legislative framework and have contributed our insight and advice on how high standards can be

maintained and information rights protected while supporting economic growth, businesses and public services.

Action: Emily Keaney to provide Corporate Governance with our most up to date views for circulation to Board members.

Annual Track Results

- 5.6. Tim Bowden joined the meeting to present the results from the annual track.
- 5.7. It was highlighted that over the past 5 years trends have stabilised and this is the last survey linked to the current IRSP and, in particular, the goal of trust and confidence.
- 5.8. The Board acknowledged that there is scope to undertake more qualitative research with larger sample sizes, or more specialised research into specific areas, to ensure a more mature approach to our research and to benchmark with other regulators.

Our ways of working update

- 5.9. Jen Green provided a presentation on the proposal for our future ways of working.
- 5.10. The Board approved the approach. The Board agreed that this work should be an iterative process and that productivity within teams should be the key factor.
- 5.11. It was agreed that data on productivity linked to the different ways of working would be very helpful and should be presented to the Board when this area is reviewed after 6 months. It was also agreed that the pilot may need to be extended should any changes to pandemic related restrictions impact the pilot.

EDI target action plans

- 5.12. Jen Green presented the report asking the Board for assurance on the EDI ambitions and supporting action plan.
- 5.13. The Board discussed the ambitions of the targets and what more can be done to increase equality and diversity across the ICO.
- 5.14. The Board discussed the importance of social mobility and considering EDI issues when dealing with members of the public. Jen Green confirmed that both these areas are

currently being developed by EDI Board sub-groups. James Dipple-Johnstone explained that a report could be submitted to the Board's next meeting giving assurance on the current work to ensure high quality customer service to the public.

Action: James Dipple-Johnstone to submit a report to the September Board meeting giving assurance on current work on customer service.

5.15. The Board approved the EDI ambitions and the associated target action plan.

6. Progress towards achieving the IRSP

- 6.1. The report on performance against the Information Rights Strategic Plan was presented for information and discussion.
- 6.2. James Dipple-Johnstone highlighted that a number of workstreams which had been paused due to the pandemic have recently been restarted, the improvements within the DP Complaints area, the current issues within FOI and confirmed that all areas are very busy due to increased demand.
- 6.3. The Board commented that the report indicated that the ICO was delivering an extremely large amount of high-quality work under difficult circumstances. James Dipple-Johnstone acknowledged the pressure on the teams and explained that this level of output was not sustainable in the longer term. Work areas will need to be reprioritised and the welfare of staff would need to be a key focus.

7. Nominations Committee

Update on the work of the Nominations Committee

7.1. Nicola Wood provided an update on the Nominations Committee held in June. The main areas discussed had been NEDs time commitments, NED development, succession planning and the analysis of the board effectiveness evaluation.

Board effectiveness review outcome

7.2. Paul Arnold presented the report of the findings and the actions emerging from the recent Board evaluation exercise.

7.3. The Board agreed with the actions outlined within the report.

Nominations Committee Terms of Reference

- 7.4. The Board were asked to agree an amendment of the Terms of Reference to reflect that Honours nominations for staff or former staff should be the responsibility of the Nominations Committee.
- 7.5. The Board agreed with the amendments as outlined in the report.

8. Update from Audit and Risk Committee Chair

- 8.1. Ailsa Beaton provided an update of the recent Audit and Risk Committee meeting and confirmed that the Annual Report was laid before parliament in early July.
- 8.2. She particularly highlighted that 100% of internal audit actions were completed and the Board thanked Corporate Governance for their hard work in ensuring that the evidence was provided to Mazars for these audit recommendations.
- 8.3. It was confirmed that the new Independent Member of the Audit and Risk Committee has now been appointed and Jayne Scott will be joining the next meeting in October.

9. Finance and Resourcing

May income and expenditure report

- 9.1. Louise Byers provided updated figures to the May report which was included in the Management Board papers. The position at the end of June shows that DP fee income is ahead of our forecast due to the work the teams are undertaking to remind organisations of the requirement to pay the fee if they are not exempt. We will continue to monitor income and expenditure, and travel remained an area of uncertainty.
- 9.2. We currently have 950,000 organisations registered and the forecast for the end of the year is 1.1 million.
- 9.3. She explained that the Resources Board had recently agreed to release some of the contingency funds to provide additional funding to priority areas and business cases.
- 9.4. The Board agreed that overall this is a very positive position.

Analysis of Pay Data

- 9.5. Paul Arnold presented the report to provide the Board with assurance on the pay environment and provide an overview of the career banding positioning of the staff in the organisation.

Modern Slavery Statement

9.6. The Board approved the statement, subject to an amendment to ensure that it was clear staff had a responsibility to recognise and report modern slavery issues. The Board also commented that staff training should be considered to help them with this responsibility.

10. Any other business

10.1. Simon McDougall reflected on his time at the ICO. He explained that he had found it very interesting and personally fulfilling and thanked the Board for their support during his time with the ICO.