

Management Board minutes

18 July 2022

Members

Paul Arnold	Deputy CEO and Chief Operating Officer
Ailsa Beaton	Non-executive Director
Stephen Bonner	Deputy Commissioner (Regulatory Futures and Innovation)
David Cooke	Non-executive Director
Emily Keaney	Deputy Commissioner
James Dipple-Johnstone	Chief Regulatory Officer
John Edwards (Chair)	Information Commissioner
Peter Hustinx	Non-executive Director
Nicola Wood	Senior Independent Director

Attendees

Angela Donaldson	Director of Finance (for item 8)
Claudia Berg	General Counsel
Jen Green	Executive Director (Change and Transformation)
John Kavanagh	Director of Governance Transition
Louise Byers	Director of Corporate Planning, Risk & Governance
Caroline Robinson	Risk & Business Continuity Manager (secretariat)

1. Introductions and apologies

- 1.1. Apologies for absence were received from Jane McCall.

2. Declaration of interests

- 2.1. Nicola Wood provided an update on her declaration of interests. She has recently been appointed as a Trustee of Sustrans, a walking and cycling charity, and is now a Board Member of the Office of the DPA Guernsey.
- 2.2. James Dipple-Johnstone confirmed that he had recently been successful in being appointed the Deputy Chief Ombudsman for the Financial Ombudsman Service.

- 2.3. John Edwards expressed gratitude on behalf of the Board for the way James had discharged his role as Deputy Commissioner during his time at the ICO and for the support he received from James during his induction.

3. Matters arising from the previous meeting

- 3.1. The minutes were confirmed as accurate.
- 3.2. The outstanding actions are due to come to the September meeting. The cyber security strategy, which was due to be presented at the July meeting, has been delayed to ensure that the strategy can be aligned to ICO25 and will be brought to the November meeting.

4. Discussion items

ICO 25 Plan – progress update

- 4.1. Paul Arnold provided an update on the progress of the work on the ICO25 plan. It was confirmed that we will be arranging cross office working groups in the coming weeks to ensure that we all have an understanding of how we will achieve the new objectives and what the plan will mean to staff and their work. The final version of the plan, following comments received during the consultation period, will include performance measures.
- 4.2. David Cooke and the Board congratulated the Commissioner and the whole team on the events that took place to launch ICO25, to staff at Wilmslow and stakeholders in London.
- 4.3. The Board discussed the new approach to public sector regulation and how it has been received. John Edwards confirmed that this is a trial approach and will be reviewed after 2 years.
- 4.4. John Edwards highlight the extraordinary work that Paul Arnold, Jen Green and their teams have done to realise ICO25. He highlighted the high level of engagement achieved and thanked everyone who has been involved in this work.

Data Protection Reform update

- 4.5. Emily Keaney provided recent additional updates on the DP reform work since the paper was circulated. The reading of the bill in Parliament is expected today alongside the publication of the bill.

4.6. The Board discussed the timetable for the bill and legislation.

Regulatory Committee – terms of reference

4.7. The Board considered the terms of reference of the Regulatory Committee.

4.8. The Board recognised the broad remit of the committee and agreed that the intended approach is to provide assurance, rather than intervention in individual cases.

4.9. The Board approved the terms of reference subject to minor amendments highlighted in the discussion.

Management Board terms of reference and work programme

4.10. Louise Byers presented the updated terms of reference and work programme for Management Board and highlighted that the updates reflected recent changes and provided clarity on the role of the Board.

4.11. The Board approved the terms of reference and work programme.

5. Performance reports

Progress towards achieving the IRSP

5.1. James Dipple-Johnstone presented the report setting out an update on progress towards achieving the IRSP.

5.2. The Board discussed a number of areas of the report including high profile investigations and regulatory cooperation

5.3. The Board also considered what information would be reported on regarding the delivery of ICO25 and how best to present this information to future board meetings.

Performance, continuous improvement and change

5.4. Jen Green and James Dipple-Johnstone presented a report setting out our approach to delivering increased efficiency and continuous improvement in our front line services.

5.5. The paper focuses on outlining the work that we will undertake and the priority we give to this work, challenging ourselves to cover the most impactful workstreams.

5.6. We will also be looking at training and career pathways to ensure that staff are equipped as best as possible to cover the work they are being asked to do.

- 5.7. John Edwards highlighted areas raised during his listening tour including culture, tone and the way we interact with stakeholders. There is a need for greater recognition on how we create, and maintain, productive relationships with organisations.
- 5.8. It was confirmed that Change and Transformation and Communications are working together to develop good communications with customers whilst recognising that some interactions may need specialist training.
- 5.9. The Board also recognised that there can also be impacts on members of staff who deal with the most difficult cases and acknowledged that these can be stressful.

6. People Committee update

- 6.1. Louise Byers provided an update on the recent work of the People Committee. The Terms of Reference and draft work programme were provided for information. The first meeting will take place in November.
- 6.2. The Board agreed that there has been significant progress in developing the People Committee and were particularly interested in the EDI work.

7. Audit and Risk Committee update

- 7.1. Ailsa Beaton provided an update on the recent work of the Audit and Risk Committee and highlighted the work on the cyber security internal audit and, most recently, the workforce planning audit report. Work is underway to ensure that there is clear and consistent communication between the teams being audited and the internal auditors, ensuring that reports are accurate and complete.
- 7.2. It was also highlighted that we have recently received last minute queries from the external auditors on the annual accounts. These queries were received after the Committee had signed off the annual report and recommended that the Commissioner sign Annual Accounts and the letter of representation.
- 7.3. It was confirmed that a lessons learned exercise will be carried out to ensure that these late queries do not happen again.

- 7.4. John Edwards asked Ailsa Beaton whether the Audit and Risk Committee had considered whether we are taking enough risk, in line with the risk appetite. Ailsa confirmed that the risk appetite is approved by the Board however this is not something that the Committee has looked into. It was highlighted that the next step in our risk maturity journey would be to look at maximising risk opportunities.

8. Finance

May income and expenditure report

- 8.1. Angela Donaldson attended the meeting to present the May financial report for information and highlighted that we are currently tracking two financial risks at the moment, uncertainty regarding the level of data protection income resulting from the potential impact of the economic downturn, and staff resourcing.
- 8.2. It was confirmed that income is tracked on a daily basis and that analysis on the variations on the DP income will be carried out before the end of Q2.

9. Any other business

- 9.1. An update was provided on the recruitment process for the new Non-Executive Directors. It was confirmed that three appointments have been made with a start date at the beginning of September. They will be attending the September Board Meeting.