

Management Board minutes

25 March 2024

Details of attendees are provided at the end of the minutes.

1. Introductions and apologies

1.1. There were no apologies for absence.

2. Declarations of interests

2.1. No declarations of interests were made.

3. Matters arising from the previous meeting

Minutes

3.1. The minutes of the previous meeting had been approved as a correct record.

Actions

3.2. The Board noted the updates provided within the papers regarding actions from previous meetings. There were no overdue actions.

3.3. The Board noted that the report on the accommodation strategy would now be presented to its September meeting.

4. Finance

4.1. Annual budget and monthly management accounts

4.1.1. Angela Donaldson presented a report setting out the proposed budget position for 2024/25, subject to ongoing work between the ICO and the Department for Science, Innovation and Technology (DSIT), along with the January 2024 management accounts.

4.1.2. She explained that since circulation of the paper, DSIT had confirmed that they would be seeking internal approval for an additional £2.2m of funding for 2023/24 which, if approved, would result in a balanced outturn for the 2023/24 financial year.

4.1.3. The Board discussed the budget scenarios for the 2024/25 financial year, particularly focusing on the types of actions which might be required to reduce spending during 2024/25, and the timing of their implementation.

- 4.1.4. The Board was keen to ensure that these potential actions were considered by weighing up the financial saving and the expected long-term efficiencies of continuing with such spending. The Board also discussed the impact of the various actions on staff, and whether there was more that could be done to reduce costs under the Stop, Start, Continue programme.
- 4.1.5. The Board discussed:
- How the work of the Establishment Committee ties in to the new Workforce Development Strategy, to ensure that hiring is based on identified future strategic needs.
 - The costs associated with the implementation of the Data Protection and Digital Information (DPDI) Bill. The Board particularly discussed the financial impact of any delays in the parliamentary process.
 - The budgeted level of travel expenditure. The Board was informed that staff have recently been reminded about the importance of spend in this area delivery value for money.
- 4.1.6. The Board thanked Angela Donaldson and the Finance Team for their work on the 2024/25 budget, and for delivering the 2023/24 outturn position following various discussions with DSIT.

5. Discussion items

5.1. Risk Management Policy and Risk Appetite Statement review

- 5.1.1. Jen Green and Louise Byers presented a report setting out the proposed Risk Management Policy and Risk Appetite Statement for the Board's review and approval. The Risk Management Policy had also been reviewed and endorsed by Audit and Risk Committee in January 2024.
- 5.1.2. The Board discussed the financial resilience risk and it was agreed that the wording of this risk should be revisited to ensure that it fully reflects the current financial risks. The Board also discussed the level of detail which sits behind the paper, to inform the high level risks.

ACTION: Louise Byers to ensure that the wording of the financial resilience risk is revisited to ensure that

it fully reflects the current financial risk. Due date: 20/5/24

ACTION: Louise Byers to share the detail which sits behind the Risk report. Due date: 20/5/24

- 5.1.3. The Board also discussed the understanding of risk appetites amongst staff, particularly the challenge of translating the abstract discussion of risk into practical applications in people's day to day work. The Board was informed that the recent ET/SLT discussion about risk appetites had been well received, and that similar sessions are planned within Directorates.
- 5.1.4. The Board discussed the re-evaluation of situations where risks did not fully align to the risk appetite, where further work may be required, or the existing risk may be judged to be acceptable. The Board also discussed the 'other' risk appetite category, and suggested that for future reports it would be useful for ET to identify 'five things we're worried about', to allow NEDs to focus their feedback on these issues.
- 5.1.5. The Board commented that the ICO has made excellent progress in increasing risk maturity, and thanked Louise Byers and the Risk team for their work on the policy, especially in providing the examples given in the document.

Decision

- 5.1.6. The Board approved the recommendation in the report, to retain the existing risk appetite with a few small changes.
- 5.2. **Data Protection and Digital Information (DPDI) Bill update**
- 5.2.1. Emily Keaney provided an oral update on progress with the DPDI Bill, as it continued through the Parliamentary process. The Board was informed that the first day of discussion in House of Lords Committee stage had taken place on 20 March, and that the ICO had published an updated response to Government amendments prior to that.
 - 5.2.2. The Board thanked Emily Keaney and the Legislative Reform team for their work in dealing with a large number of amendments.

5.3. **Election Planning**

- 5.3.1. Ange Balakrishnan and Amanda Williams presented a report giving the Board information about plans for delivering the ICO's role during elections in 2024.
- 5.3.2. The Board discussed the pre-election period in the run-up to any UK elections, and advised the Commissioner on its experience of approaches which can be taken to ensure that the ICO does not unduly influence the outcome of the election.
- 5.3.3. The Board discussed the increased risks during 2024 due to the number of major elections throughout the year, particularly in the USA and India, and some of these potentially taking place at the same time as UK elections. The Board discussed the risk of data and AI-based disruption of elections, including cyberattacks, synthetic media and deepfakes.
- 5.3.4. The Board also supported the approach of continuing to prepare for all potential outcomes of the UK election and understanding likely policy thinking in the post-election period.

5.4. **Regulatory Risk Review programme update**

- 5.4.1. Paul Arnold presented a report giving the Board an update on the Regulatory Risk Review Programme (RRRP), highlighting that the Penalty Setting Guidance has recently been launched.
- 5.4.2. The Board discussed ongoing work, including an upcoming desktop simulation of the new regulatory governance structure, which would be piloted prior to a full roll out. The Board noted that the following phase of work will be influenced by the ICO's financial position, and was informed that this included case management technology, which will impact on all of the operational elements of the ICO.
- 5.4.3. The Board discussed the importance of building a strong understanding of the new approach across the whole organisation, outlining both the work and the impact, and providing a link to other initiatives including the High Performance Strategy, Workforce Development Plan and ICO 25. The Board discussed recent internal

communications about how the programme is working in investigations, which had included a powerful story from the people involved in the work. The Board commented that it was important that staff can link the transformations to improvements in their working lives.

- 5.4.4. The Board also highlighted the need for a strong external narrative, to ensure that all stakeholders understand the ICO's approach as a regulator.

6. Performance reports

6.1. Management Board Scorecard (Q3)

- 6.1.1. Jen Green presented a report providing information on performance towards achieving the ICO's KPIs. The Board noted the very good outcomes, and asked ET to thank their teams for their hard work to achieve this.
- 6.1.2. The Board discussed the red rated KPI for FOI caseload. The Board commented that this KPI was rated as red due to delays in cases relating to the Cabinet Office and suggested that if this continued it may be appropriate for the measure to be split between cases relating to the Cabinet Office and all other cases.
- 6.1.3. The Board noted that the KPIs for 2024/25 were currently being developed. The Board suggested that this should include more regular reporting on customer satisfaction scores, and measures from the RRRP.
- 6.1.4. The Board was also informed that the Portfolio dashboard will also be developed to measure change. The Board commented that the planned transformation journey might have a short-term negative effect of KPIs but would result in better outcomes overall. In this case, it was important that the Board can see the overall trajectory.

6.2. ICO 25 progress update

- 6.2.1. Rob Holtom presented a report giving the Board information on progress with delivery of the ICO 25 change programme.
- 6.2.2. The Board noted that the Enterprise Data Strategy had been published and the contact centre scheduling work was due to go live imminently. The Board also noted the changes being made to portfolio reporting in the coming year, which will focus around five thematic programmes.

- 6.2.3. The Board discussed the approach of reporting that some projects had no associated financial spend, commenting that there would still be a staff cost which should be tracked.

7. Updates from Committees

People Committee

- 7.1. Jane McCall provided an oral update on matters considered by the People Committee at its meeting on 1 February 2024, including a deep dive into capacity and capability, a report on progress with the Doing It Differently programme and the Committee's effectiveness review.
- 7.2. She also provided the Board with an update on the development of the Workforce Strategy, which had been discussed by People Committee and provided to the Board as a background paper. She highlighted the focus on the sufficiency and reshaping of the workforce, efficiencies related to the Enterprise Data Strategy, and the approach to dealing with any identified skills gaps.

Audit and Risk Committee

- 7.3. Although there have been no meetings during the previous period, Ailsa Beaton informed the Board that she had met with the new National Audit Office (NAO) staff to ensure that they understood the Board's concerns about the issues encountered during last year's external audit of the annual report and accounts. The ICO and the external auditors had also developed a lessons learned report, progress with which the Audit and Risk Committee reviewed at each meeting.

8. Any other business

- 8.1. The Board noted that Jen Green and Paul Arnold were developing a proposal for the Board's Strategy Day on 15 July.
- 8.2. There were no other items raised.

Attendance

Members

Ailsa Beaton OBE	Non-executive Director
David Cooke	Non-executive Director
Emily Keaney	Deputy Commissioner (Regulatory Policy)

Jane McCall	Non-executive Director
Jeannette Lichner	Non-executive Director
John Edwards (Chair)	Information Commissioner
Nicola Wood MBE	Senior Independent Director
Paul Arnold MBE	Deputy CEO and Chief Operating Officer
Ranil Boteju	Non-executive Director
Stephen Bonner	Deputy Commissioner (Regulatory Supervision)
Tracey Waltho	Non-executive Director

Attendees

Amanda Williams	Director of Public Affairs (for item 5.3)
Ange Balakrishnan	Executive Director, Strategic Communications and Public Affairs
Angela Donaldson	Director of Finance and Estates (for item 4)
Claudia Berg	General Counsel
Jen Green	Executive Director, Strategy and Resources
Louise Byers	Director of Risk & Governance
Louise Locke	Executive Director, Customer Services
Rob Holtom	Executive Director, Digital, Data, Technology (DDaT), Transformation and Delivery)
Stephen Almond	Executive Director, Regulatory Risk

Secretariat

Christopher Braithwaite	Corporate Governance Manager
Fiona Wilcock	Corporate Governance Officer
Laura Tomkinson	Group Manager (Corporate Governance)