

# Information Commissioner's Office

## Code of conduct

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### Table of contents

1.	Scope .....	2
2.	Your duties and responsibilities .....	2
3.	Conflict of interest.....	3
4.	Political activities .....	5
5.	Integrity .....	5
6.	Relations with the public .....	5

7.	Effective use of resources .....	6
8.	Official Information .....	6
9.	Staff concerns about improper conduct.....	6
10.	After leaving the Commissioners employment .....	8
	Version history .....	8

## 1. Scope

- 1.1. This Code forms part of your terms and conditions of service, breaches of which may be the subject of disciplinary action.
- 1.2. The Code sets out the standards of behaviour and conduct expected of you, as an ICO employee. It draws on the recommendations of the Committee on Standards in Public Life, chaired by Lord Nolan, and has parallels with the Civil Service Code.

[Back to Top](#)

## 2. Your duties and responsibilities

- 2.1. You are asked to familiarise yourself with the contents of the Code and act in accordance with the principles set out in it.
- 2.2. You have a duty to:
  - a) discharge public functions reasonably and according to the law; and
  - b) recognise ethical standards governing particular professions.
- 2.3. You should be aware:
  - a) of your accountability to the Commissioner whom you serve; and
  - b) of the respective roles of the sponsor department and the Commissioner as set out in the Management Agreement; and
  - c) that the Commissioner is ultimately accountable to Parliament for his or her independence, effectiveness and efficiency; and
  - d) In order to encourage open communication, free exchange of ideas, spontaneous dialogue and an atmosphere of trust, it is not

permitted to record conversations, phone calls or company meetings with any recording device (including but not limited to a mobile phone, PDA, digital recording device, digital cameras) unless all parties have agreed to the conversation being recorded and have given their consent. If conversations are found to be recorded without consent of all parties, this will be dealt in accordance with the [Disciplinary Policy](#) and the [Dispute Resolution Framework](#) and may lead to disciplinary action.

2.4. You are asked to conduct yourself at all times with integrity, impartiality, objectivity, honesty, accountability, openness, great leadership and in accordance with the ICO values. The ICO values are:

- Curious
- Collaborative
- Impactful
- Inclusive

2.5. You should not deceive or knowingly mislead the Commissioner, our sponsor department, Ministers, Parliament or the Public.

[Back to Top](#)

### 3. Conflict of interest

3.1. You should abide by the rules adopted by the Commissioner in relation to private interest and possible conflict with public duty, the disclosure of official information and political activities.

3.2. You should not misuse your official position, or information acquired during the course of your duties, to further your private interests or those of others.

3.3. You should ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them.

- 3.4. In short, you must avoid undertaking activities which could call into question your independence and ability to deal with a matter fairly and appropriately.
- 3.5. Conflicts of interest could, for example, include:
- dealing with a case with which you have a vested interest in the outcome of the ICO's findings, such as a case raised by a relative or friend;
  - working on a matter which involves an external organisation with which you have close dealings, such as a matter involving a school where you are one of the governors;
  - involvement in a procurement exercise where you have a personal or financial interest with an organisation which is tendering for work with the ICO;
  - undertaking additional employment which may have a bearing on the ICO's work, such as advising an organisation about data protection legislation as a consultant;
  - involvement in a recruitment exercise where a family member, friend or personal acquaintance is applying to work at the ICO;
  - involvement in an investigation into an organisation with which you have material, personal or financial interest.
- 3.6. The above list is illustrative, and you are expected to raise any potential conflicts of interest with your manager as soon as they may be apparent.
- 3.7. You are required to inform the ICO, via People Services, of any secondary paid employment, Directorships or Non-Executive positions that you are undertaking or seek to undertake.
- 3.8. You should also ensure that People Services are informed of any voluntary or unpaid activities which may be reasonably viewed as having potential to cause a conflict of interest with your work with the ICO.
- 3.9. The ICO has a policy relating to declarations of interest and secondary employment. The policy can be found on the staff intranet or click the link. If you have any doubts about possible conflicts of interests you should in the first instance discuss your concerns with your manager and a member of People Services.

## 4. Political activities

- 4.1. The ICO has a policy and procedure regarding party political activities. If you are involved in such activity it is essential to read and comply with this policy to help ensure that the ICO's impartiality and independence is not compromised. It is essential that you conduct your duties to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this code, no matter what your own political beliefs may be.
- 4.2. The policy can be found on the staff intranet under policies and procedures or click the link [Party Political Activities Policy](#).

## 5. Integrity

- 5.1. You should not use your official position to receive, agree to accept or attempt to obtain any payment or other consideration for doing, or not doing, anything or showing favour, or disfavour, to any person or organisation.
- 5.2. You should not receive benefits of any kind from a third party which might reasonably be seen to compromise your personal judgement and integrity.
- 5.3. Under the Bribery Act 2010 you may, as an employee of the Commissioner, be required to prove that the receipt of payment or other consideration from someone seeking to obtain a contract is not corrupt.
- 5.4. You are required to follow all relevant policies and procedures which govern the integrity required of an ICO employee, for example the ICO Gifts Policy, the Political Activities Policy, Whistleblowing Policy and Disciplinary Policy and Procedure.

## 6. Relations with the public

- 6.1. If, during the course of your duties, you are required to deal with the affairs of the public you should do so empathetically, efficiently,

promptly and without bias or maladministration. At all times you should offer the public the highest standards of conduct and service.

## 7. Effective use of resources

- 7.1. You should endeavour to ensure the proper, economical, effective and efficient use of resources.

## 8. Official Information

- 8.1. Under common law you are required to undertake a general duty of confidentiality. You are required to protect official information held in confidence.
- 8.2. Nothing in the Code should be taken as overriding existing statutory or common law obligations to keep confidential, or in appropriate cases to disclose, certain information.
- 8.3. Subject to this provision, staff should act in accordance with relevant procedures regarding access to official information. Particular attention must be drawn to the requirements of s132 of the Data Protection Act which establish offences for knowingly or recklessly obtaining or disclosing personal information without lawful authority.
- 8.4. Likewise, you are required to note s.77 of the Freedom of Information Act which establishes an offence of altering official records with intent to prevent disclosure.
- 8.5. Staff must note that the duty of confidentiality applies across all forms of communication, including social media, used both in official and personal capacities.
- 8.6. Confidential information obtained in connection with ICO business must not be distributed or commented upon outside the organisation.

## 9. Staff concerns about improper conduct

- 9.1. The Committee on Standards in Public Life recommended that each Non-Departmental Public Body should nominate an official or board

member who would be entrusted with the duty of investigating staff concerns about issues raised confidentially.

- 9.2. If you believe you are being required to act in a way which:
- is illegal, improper, or unethical;
  - is in breach of a professional code;
  - may involve possible maladministration, fraud or misuse of public funds; or
  - is otherwise inconsistent with this Code;

you should either raise the matter through the management line or else approach, in confidence, the Deputy Chief Executive or Deputy Commissioners who are entrusted with the duty of investigating staff concerns about illegal, improper or unethical behaviour. The ICO also has a Whistleblowing policy. The policy can be found on the staff intranet or by clicking this link [Whistleblowing Policy](#).

- 9.3. You should also draw attention to cases where there is evidence of irregular or improper behaviour elsewhere in the organisation, but where you have not been personally involved, or if you are required to act in a way which, for you, raises a fundamental issue of conscience.
- 9.4. If you have reported a matter covered in the above paragraph and believe that the response does not represent a reasonable response to the grounds of your concern, you may report the matter directly to the Commissioner.
- 9.5. If you feel that the people within the office with whom you could normally raise the issue are parties to, or supportive of, the behaviour causing concern, you may report the matter to:
- The chair of the ICO's Audit Committee, Ailsa Beaton, who is a non-executive member of the ICO's management board. She can be contacted at [Ailsa.Beaton@ico.org.uk](mailto:Ailsa.Beaton@ico.org.uk).
  - The Internal Audit team at the Government Internal Audit Agency, [correspondence@giaa.gov.uk](mailto:correspondence@giaa.gov.uk).
  - The partnership team at the ICO Sponsor department, Department for Science, Innovation and Technology (DSIT) who can be contacted on [Partnerships@dsit.gov.uk](mailto:Partnerships@dsit.gov.uk).

## 10. After leaving the Commissioners employment

- 10.1. You must continue to observe your duty of confidentiality after you have left the employment of the Commissioner, noting the legal obligations on you under s132 of the Data Protection Act and, if relevant, the Official Secrets Act.

### Version history

<b>Version</b>	<b>Changes made</b>	<b>Date</b>	<b>Made by</b>
1.0	Published	March 2015	Human Resources
3.2	Published	July 2018	Human Resources
4.0	Full policy review. No material changes.	February 2021	HR, SLT, TU & EDI Networks
4.1	Updated Ailsa Beaton's email address.	December 2021	Group Manager, HR Operations
4.2	Updated section 9.2 to advise contact to be made to DCE or Deputy Commissioner.	April 2022	Group Manager, HR Operations
4.3	Updated section 2.3d adding covert recordings.	July 2022	Employee Relations & Policy Business Partner



4.4	Updated section 9 with details of new internal auditors.	July 2023	People Services
4.5	Updated section 9 with contact details at GIAA and DSIT. Updated to include referencing to relevant sub-policies. Updated reference to Human Resources to People Services. Updated format to meet accessibility requirements.	February 2024	Policy and Performance Business Partner
4.6	Updated contact for GIAA.	November 2024	People Services

[Back to Top](#)