

Parliamentary and Government Affairs Engagement Strategy for the New Commissioner

The overarching purpose of the **Parliament and Government Affairs** (PGA) department is to:

- ensure that the policies and actions of the ICO are communicated effectively to key stakeholders in government, Parliament and civil society and that the concerns of those same stakeholders are understood and articulated across the ICO; and .
- to influence the outcomes we need from government by engaging at the most strategic level possible to bring about changes in information rights and regulatory policy.

PGA gathers, filters, and communicates information on all aspects of the ICO's work that concerns our stakeholders in a way that fosters productive relationships.

The department's two teams, **Parliament Team** and **Central Government Team** (CGT), perform very similar functions but with different focuses and emphases.

Parliament

The Information Commissioner is accountable to Parliament for the delivery of their functions. Formally, this is established through s139 of the Data Protection Act 2018 and the requirement to lay an Annual Report in Parliament. More broadly it take the form of a commitment to fully engage in the work of Parliament related to data protection and freedom of information (FOI).

The ICO's engagement with Parliamentarians is primarily through Select Committees which are structurally cross party and tie into the Information Commissioner's duty to account to Parliament for their functions. These accountabilities are

broad in relation to the Digital, Culture, Media and Sport Committee (DCMSC), which is our primary reporting Committee, but thematic with other Committees.

Given their role as legislators, it is even more important that we build and maintain Parliamentarians' trust and confidence whilst demonstrating that the public interest is at the heart of any decisions or regulatory action (or inaction) we make which affects organisations and their constituents.

The ICO identifies and actively pursues engagement with the secretariats of Committees where there is a link between their work and the ICO's strategic priorities, for example briefing the Public Administration and Constitutional Affairs Committee on Freedom of Information legislation, the Public Services Committee on our data sharing code of practice, or attending DCMSC for an accountability hearing. Between 2016 and 2021, the ICO has appeared before Parliament or submitted written evidence at least 40 times covering topics from policing and security post EU exit to children's privacy online, COVID-19 Test and Trace and Freedom of Information. Most of the parliamentary engagement thus far is linked to the ICO's data protection responsibilities and regulatory action.

The Commissioner (and Executive Team) are regularly asked to give evidence to Select Committees. This is a fundamental tenet of both our accountability to Parliament and our ability to influence. We always agree to attend unless there is a compelling reason not to – for example, the scope of the inquiry was almost entirely outside our remit – but in these cases we would agree to provide written evidence and appear at a later stage if the Committee wanted to explore further.

PGA also actively horizon scan for inquiries and calls for evidence which link to our strategic priorities, providing written evidence which will often lead to an invitation to give oral evidence.

To further inform Parliament of the ICO's work, we actively contribute to research briefings aimed at parliamentarians provided by the respected Parliamentary Office of Science and Technology (POST). These usually relate to information

rights issues which sit at the crosshairs of digital technologies and public policy. Since 2017, the ICO has provided input on four topics ranging from Biometric Technologies to AI in Healthcare and will seek to continue this work when relevant issues arise.

Meetings with individual members

Engagement with individual parliamentarians or opposition spokespersons is linked to our strategic priorities and ensures that parliamentarians, who we are accountable to, are properly informed of our work and that we receive constructive feedback from Members on how the legislation we regulate works in practice or ICO products and services. Both written and oral briefings are factually based and cross party in their nature.

PGA also engages with the parliamentary authorities in relation to their functions, procedures and other constitutional matters in relation to their DP and FOI responsibilities , as well as with individual parliamentarians who are data controllers in their own right.

All Party Parliamentary Groups (APPGs)

APPGs are informal cross-party groups that have no official status within Parliament. They are run by and for Members of the Commons and Lords, though many choose to involve individuals and organisations from outside Parliament in their administration and activities. Since 2016, selected APPGs have been useful avenues for the ICO to demonstrate its work, exchange ideas and learn of emerging regulatory issues from Members and industry. For example, since 2016 ICO has contributed to APPGs on Artificial Intelligence, Data Analytics, Social Media and have received positive feedback from members.

Central Government

Like Parliament, the Information Commissioner's relationship with government in Whitehall is a fundamental one governed by both formal and informal structures.

As an Arm's Length Body (ALB) the ICO has a formal sponsorship relations with government via Sponsorship Team that sits in the Department for Digital Culture Media and Sport (DCMS). This relationship is maintained through regular working level meetings; including a weekly forward look/policy meeting and a biweekly sponsorship meeting. (In addition there is monthly meeting of members of the senior leadership teams on both sides to discuss strategic level issues.).

Additionally, there is an accountability relationship between the ICO and the Cabinet Office on FOI issues.

More widely PGA coordinates, maintains and organises myriad contacts with policy teams across Whitehall departments and at multiple levels of seniority from Data Protection Officers to Ministers. Illustrative examples are set out below.

- The ICO is obliged under DPA2018 to produce and submit the Secretary of State four Statutory Codes of Practice to be laid before Parliament. This requires both practical coordination with DCMS and government more widely and engagement on a policy level with the substance of the codes. PGA holds a central role in both aspects.
- The ICO has a dedicated team/directorate to manage the data reform agenda (consultation and upcoming legislation) through Chandra. This require regular in depth consultation with the (multiple) policy team and sponsorship team in DCMS. PGA advises Chandra on aspects of engagement and consultation and facilitates clear communication with government on what is a fundamental priority for the organisation.
- The ICO produces a great deal of guidance on data protection. One example is several pieces relating to Part 3 Law enforcement processing (DPA2018). The Home Office and Ministry of Justice have a particular interest in the content of this guidance. PGA work closely with Guidance teams in the ICO to ensure that, as key stakeholders,

government departments have the opportunity to give feedback on draft guidance and represent the concerns of law enforcement agencies also.

As an independent regulator the ICO also regulates government in its functions that engage data protection and FOI. It is an important function of PGA to communicate to government their obligations, to facilitate any necessary engagement with other sections of the ICO such as High Profile Inquiries, Enforcement or Casework.

The Central Government Team holds relationships with individual departments across policy teams and policy areas these include DCMS, Cabinet Office, Department for Transport, Department for Work and Pensions, Department for Business and Enterprise. Each department has a named contact within CGT who will regularly liaise with government counterparts on issues spanning policy and compliance.

Government departments are shared with the Relationship Management Service (RMS) who, for strategic and operational reasons, maintain 'first point of contact' relationships with the Home Office and Ministry of Justice, among others.

Similarly, the International Directorate teams hold the relationship with the Foreign, Commonwealth and Development Office and Department for International Trade.

And thirdly, the ICO Regions (ICOR) team maintain relationship with the devolved administrations (DAs), providing a dual engagement function with both the governments and legislatures across Scotland, Northern Ireland and Wales that is similar to what PGA provides in Westminster.

A crucial relationship that CGT staff hold are with the Data Protection Officers (DPO) for each department who are tasked with ensuring both department compliance in day to day functions and also with ensuring that policymakers in their departments are properly considering data protection in policy or legislative proposals.

The Art 36(4) pre-legislative consultation obligation is a cornerstone of PGA engagement with government and forms part of our ex-ante or end to end regulatory advice. PGA work closely with ICO colleagues in the Pre-Legislative Scrutiny Team to provide appropriate scrutiny of government initiatives.

Civil Society

Civil Society Organisations (CSO) seek to influence and scrutinise government and organisations. We try to engage in productive discussion on issues of mutual interest and to update them on relevant aspects of ICO work. CSOs are a strong source of intelligence about public concerns whether through research, citizen juries, surveys, membership etc.

PGA engage on a bilateral basis with CSOs on specific issues and often coordinate engagement with other policy and operational teams in the ICO. We also organise joint forums to engage with numerous CSOs on our work and areas of concern; these operate on various levels of seniority.

Engagement Strategy for the Incoming Commissioner

In the short term to medium term (six months) there will considerable demands on the Commissioner's time, this will include a series of requests from Parliament and government for engagement.

This will, of course be centrally managed through the ICO Transition Team and the Commissioners Private Office (POC).

PGA has set out a series of recommended (and ranked) engagement from across our departmental stakeholders (including those held by RMS) based on a number of factors underpinned by the work set out above. Fundamentally, the recommendations are based on the actors and stakeholders most influential in allowing the ICO to achieve its strategic goals.

The tables set out below outline these suggested engagements.