



Department for Digital, Culture, Media & Sport

Freedom of Information Team
Department for Digital, Culture, Media & Sport

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Emma Davis
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FOI2022/02385

2 March 2022

Dear Emma Davis,

Thank you for your correspondence of 11 February, in which you made the following request for information:

Who applied for the current ICO position?
What due diligence was undertaken for the applicants?
What were the criteria for a successful applicant?
How did each score?
What caused the success of the selected applicant, Mr. Edwards

We have dealt with your request under the Freedom of Information Act 2000 (the Act). I can confirm that the Department for Digital, Culture, Media and Sport (DCMS) does have information within scope of your request.

Forty candidates applied for the post, of whom eight were invited to interview and, of those, four were found to be appointable.

John Edwards commenced his five year term as Information Commissioner on 3 January 2022. Edwards was previously New Zealand's Privacy Commissioner and brings with him a wealth of data regulatory experience - as Privacy Commissioner but also from 20 years - practising law and specialising in information law.

Under the Data Protection Act, the Information Commissioner is appointed by Her Majesty by Letters Patent on the basis of fair and open competition and on the recommendation from ministers (the Secretary of State for Digital Culture, Media and Sport, through the Prime Minister). John Edwards' appointment as Information Commissioner was approved by the Digital, Culture, Media and Sport Select Committee after a pre-appointment hearing on 9 September 2021.

Ministers were assisted in their decision-making by an Advisory Assessment Panel which included a departmental official and a senior independent panel member approved by the [Commissioner for Public Appointments](#).



Candidates are assessed against the [published criteria](#).

This appointment process was run in accordance with the [Governance Code on Public Appointments](#).

As part of our due diligence checks DCMS consider anything in the public domain related to candidates' conduct or professional capacity. This includes undertaking searches of previous public statements and social media, blogs or any other publicly available information. These searches were undertaken as part of John Edwards's application. John was also required to complete a conflict of interest declaration form, which was discussed at interview.

In response to your request for the names of the other applicants and their respective scores, the department considers this information exempt under section 40(2) (personal information) of the Act. Section 40(2) is an 'absolute' exemption and the department is not obliged to consider whether the public interest favours disclosing the information.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of the information would, amongst other things, contravene one of the data protection principles in Article 5 of the UK GDPR. In this case, I believe disclosure would contravene the first data protection principle, which provides that personal data must be processed fairly and lawfully.

Yours sincerely,

Freedom of Information Team
Department for Digital, Culture, Media and Sport

Complaints and comments

As is customary in our replies, I should explain that if you are dissatisfied with any aspect of our response to your request for information, and/or wish to appeal against information being withheld from you, please send full details within two calendar months of the date of this response to: foi@dcms.gov.uk. You have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. Please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning an investigation.