

Information Commissioner – induction briefing

Topic: To provide an overview of significant regulatory outcomes to which the ICO is presently committed over the next quarter and get your views on suitability of arrangements to keep you apprised of the key regulatory cases (that is audits, enforcements and investigations).

Commissioned by: John Kavanagh - Director of Governance Transition

Priority: Routine, in the course of business.

Owner: James Dipple-Johnstone (Deputy Commissioner- Chief Regulatory Officer)

Briefing aim: To provide an overview of the significant regulatory output to which the ICO is presently aiming to be completed in Q4, to highlight activity that might gain media attention and seek your view on arrangements to brief you. It would be helpful to have any feedback on your preferred style for oversight of the high profile matters and whether you want any changes to present arrangements or whether you are content to operate them for the next six months and then review?

List of Annexes:

Annex 1 – PDF of the cover record of the tracker

Background:

There are currently 38 High Profile and High Priority Cases across Investigations, Assurance, HPI and DP complaints being monitored via the Significant Cases Tracker. The tracker is used where a case is of sufficient profile to require regular Deputy Commissioner (CRO) oversight. A smaller subset of 12-15 or so of these cases is also proposed to form part of your oversight of regulatory matters, with two monthly meetings with you (one for audits / assurance outcomes, the other for investigations outcomes) to give steers and monitor progress; if you are in agreement. Cases on the tracker are pulled into a fortnightly oversight meeting held by the CRO, General Counsel and Directors. The CRO also monitors a wider pool of priority regulatory matters, of which there are presently 110 that have reached enforcement, decision or publication stage. Where a matter that has been low priority requires escalation in line with the prioritisation framework it will be tabled for consideration for inclusion in the oversight arrangements.

The following cases are on track for reaching completion in Q4:

- Clearview: (joint investigation with the OAIC into data scraping)

Section 31



The following cases on the tracker have ongoing complexities which have deferred the activity or may attract a new position to be taken by the ICO during the quarter or which may receive external media attention.

Section 31





Progression

As highlighted in the risk register a key challenge in the progression of regulatory activities at the present time is the balance of activity versus the capacity in Regulatory Enforcement Legal Directorate and also similar challenges in our level of technology and cyber security expert capacity.

The General Counsel and Director REL are implementing changes to structure and resource levels to improve capacity and improve profiling of work with external counsel. Similarly, we are looking to recruit and expand our cyber and technical policy resources to meet the higher levels of demand; this includes proposals to establish a dedicated Cybersecurity regulation directorate and increase recruitment to technology based posts as well as establish panels of external contractors. Longer term, work is also underway in HR to look at developing our pay structure to improve the ICO recruitment offer as there is a challenging recruitment market for these skills nationally. Proposals for these improvements are presently at various stages of discussion with trade unions and the resources board.

To assist in mitigation of risks in this area a prioritisation process has been implemented to review immediate priorities to assist with planning and ensure regulatory activity is moved forward over the coming months. The output of this will come to ET for assurance.

Tracker overview and update meetings

The tracker includes the most significant cases but is not designed to be a complete overview of all regulatory activity carried out by the ICO. The tracker acts as a central repository containing key information including a case summary, the current stage of the activity, indicative timelines and highlight activities requiring a steer. The cases are selected for the tracker following the prioritisation framework. The tracker is a live document maintained by the Regulatory Staff Officer and updated on a weekly basis by the Heads Of Departments and Group Managers. Your office will commission briefing for your via the staff officer on any of the cases you wish to know more about.

The previous Commissioner operated an arrangement whereby the tracker was reviewed on a monthly basis at her investigation and assurance update meetings. These are attended by yourself, the CRO, the Directors and the General Counsel.

The role of the update meetings is to discuss a relevant subset of cases from the tracker escalated by the Deputy Commissioner (Chief Regulatory Officer) and General Counsel to provide you with an update on the highest priority and profile cases and seek your views on strategic progression or decision points.

Consideration is presently being given to a third update meeting; covering significant legal matters (e.g. Judicial Reviews, Appeals cases at tribunal, notable cases where the ICO has intervened) given the growth of work in this area.

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Prepared for: John Edwards, Information Commissioner

Consultees:

Reviewed/cleared by: James Dipple-Johnstone

For Commissioner use only

Follow-up required:

[A field for the Commissioner to use to include any initial thoughts on further follow up if required.]

ANNEX 1 – topic of annex 1

A PDF of the cover record of the tracker is available here. The cover record lists the current High Profile and High Priority Cases and their latest update.



Cover Record of the
Tracker.pdf