

Programme for Government Team
PfG and NICS of the Future Division
Room E4.15
Castle Buildings
Stormont Estate
Belfast
BT4 3SL

By email only: PfGconsultation@executiveoffice-ni.gov.uk

24 October 2024

Dear Programme for Government Team

**RE: Consultation on a draft Programme for Government 2024-2027:
'Our Plan: Doing What Matters Most'**

The ICO welcomes the opportunity to respond to the above public consultation. The ICO is the UK's independent public authority set up to uphold information rights, and enforces and oversees a range of legislation including the Freedom of Information Act, the Environmental Information Regulations, the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

The ICO's strategic vision is set out in our [ICO25](#) plan, which highlights promoting regulatory certainty, empowering responsible innovation and safeguarding the public as key priorities.

As a UK wide regulator, the ICO has offices across the UK, including Belfast, where our Northern Ireland Affairs Team are based to engage directly with local stakeholders across all areas within our regulatory remit. The Team has strong working relationships with the NI Executive, and work closely with the Data Protection Officers (DPOs) from each of the NICS Departments.

There are similarities between the proposals set out in the draft Programme for Government and the ICO's strategic priorities as set out in ICO25, as well as links with ongoing work of the Northern Ireland Affairs Team. We have set out below our feedback on aspects of the draft Programme for Government that relate to our legislative remit and strategic priorities:

Innovation and AI

The draft Programme for Government sets out that the Executive have appointed a new Chief Science and Technology Adviser and will establish a Northern Ireland Science and Technology Advisory Network. These will provide the Executive with expert advice on supporting and prioritising their innovation investment. We are aware that there has already been significant investment by the NI Executive into developing skills and opportunities in artificial intelligence (AI) and other emerging technologies, including the creation of the Artificial Intelligence Collaboration Centre.

Objective Two from our ICO25 plan is to empower responsible innovation and sustainable economic growth. By providing regulatory certainty through our [guidance and resources](#), we are cutting burdens on businesses and enabling them to add at least £140m over the next five years to their bottom line¹. We also provide practical support to innovators through our [Innovation Hub and Regulatory Sandbox](#).

The ICO regulates AI and biometric technologies when their development or deployment processes personal data. Data protection law is technology neutral - it does not ban the use of technology, but it puts in place a range of safeguards for its appropriate use. It is important that those developing or considering implementing AI technologies assess potential privacy risks carefully. They need to understand how AI is using personal data, be transparent with individuals about how their information is being used and ensure there are appropriate safeguards in terms of security, accuracy, data minimisation and algorithmic bias, in particular.

In pursuit of our ICO25 objectives, we have been publishing and updating our [AI and data protection guidance](#), engaging with stakeholders and regulators, and placing people's protection at the centre of our ICO25 strategy.

This year we have taken a step further by dedicating additional resources to protecting people from the harm these technologies can lead to when used or created irresponsibly, including the creation of an AI & Biometrics Board that will deliver on our mission.

¹ [ico-business-impacts-summary-april-2024_v1.pdf](#)

AI will continue to be a priority area for the ICO due to the potential risk to individuals and their rights and freedoms. We believe public trust is paramount for the safe adoption of AI across sectors and we are working to organise an event on AI for the NI public sector in 2025, where there will be an opportunity to hear and learn from ICO experts on AI and responsible innovation. In the meantime, there are plenty of [AI resources](#) available on our website, including our [AI and Data Protection Risk Toolkit](#). We would welcome further engagement with the NI Executive on this area.

Digital transformation across public services

The draft Programme for Government outlines a £235 million Transformation Fund to improve NI public services, and proposes 'performance and digital transformation', as well as 'innovation and research transformation' across the public sector. The Executive also sets out plans for cutting health waiting lists through 'delivering digital capability and innovation' in the NI health and social care sector.

We are keen to work more closely with the NI Executive to help unlock productivity gains and build a modern digital government with a more personalised public service. Data protection is an enabler, it is a how to, not a don't do. We want to work with leadership in the public sector to spread this message and to support innovation to transform public services and improve people's lives.

We welcome engagement with NI Executive Departments who may be embarking upon a digital transformation process to ensure that their objectives will be achieved, whilst having the appropriate safeguards in place. Such programmes must engender public trust and confidence in order for them to be successful. Data protection law provides a framework for delivering this trust, with appropriate privacy safeguards and good governance from the outset. The ICO has played an active role to support several key digitalisation initiatives over the years, including most recently the [Encompass programme](#) across health and social care in Northern Ireland. We continue to do this and stand ready to provide advice and regulatory oversight on new initiatives.

Vulnerable individuals and children

Another key aim of the draft Programme for Government is working to end violence against women and girls. The ICO have engaged extensively on this

topic over the past few years, having responded to the Executive Office consultation on the Strategic Framework & Foundational Action Plan in October 2023. We intend to engage with the Department of Justice in relation to the recent call for views and forthcoming public consultation on the Victim and Witness Strategy 2025 – 2030.

Objective one of our ICO25 plan is to safeguard and empower people, particularly the most vulnerable. We are keen to continue engagement with the relevant authorities in this area, to ensure vulnerable individuals, including children, and their personal data are protected.

Safeguarding children's personal information is a particular priority for the ICO. In 2021, we launched our ['Age Appropriate Design Code'](#) for providers of online services that are likely to be accessed by children (such as apps, online games, and web and social media sites). The code sets out guidance and resources about the 15 standards that online service providers need to comply with, along with frequently asked questions, a DPIA template and resources for designers. Although there is nothing directly related to the Code within the draft Programme for Government, it is nonetheless important to bear it in mind for any such online services that may be proposed in the future.

New legislative proposals

The draft Programme for Government also proposes new or amendment to existing legislation, including a proposal for new Employment Rights Legislation. Any such legislative proposals that concern personal data will require prior consultation with our office as part of the [obligation to consult](#) under Article 36(4) of the UK GDPR. The DPOs for each NICS Department will be able to advise further on this requirement.

We hope that the above comments are useful to you as you work on finalising the Programme for Government. We look forward to continuing our positive working relationship with the NI Executive and would be happy to meet with you to discuss any of the above areas in more detail.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,
Senior Policy Officer
Northern Ireland Affairs Team