

Regulatory Delivery Board Terms of Reference

1. Purpose

- 1.1. The overall purpose of the SLT Boards is to deliver SLT's purpose of strategic oversight and delivery of cross-office priorities and plans. The Boards were created to ensure that sufficient capacity within these meetings for consideration, challenge, and scrutiny to deliver SLT's collective role.
- 1.2. The role of the Regulatory Delivery Board (RDB) is to oversee, manage and coordinate the ICO's work to deliver its regulatory functions, in line with the strategic direction set by the Management Board. The RDB will oversee development of the ICO's regulatory business plans and ensure when presented to the Senior Leadership Team they are robust in terms of objectives, priorities, affordability, outcomes, impact and key performance measures.
- 1.3. The RDB will not take any decisions as to individual cases; these will be taken by the respective staff members in line with the Commissioner's scheme of delegations, with advice from the Regulatory Panel where sufficiently significant.

2. Responsibilities

- 2.1. The RDB is responsible for making decisions on:
 - Reviewing and approving regulatory business plans and strategies for submission to SLT.
 - Reviewing finance and resources (i.e. staffing), referring issues to the Resources Board as required.
 - Reviewing and approving workplans and business cases for new projects business cases which do not require additional resources (e.g. through reprioritisation of existing resources). Reviewing such workplans and business cases for submission to the Resources Board where additional resources are required.
 - Receiving, scrutinising and approving papers on the direction and approach to delivering a specific project, based on a well-defined recommendation. These will be

shared with the wider Senior Leadership Team for assurance as required.

2.2. The RDB has oversight of a wide range of activities. In order to deliver this, the RDB will focus its work on areas of variance from expected performance. The RDB has oversight of:

- Reviewing and monitoring of regulatory business plans and strategies against agreed KPIs, impact measures and strategies.
- Monitoring current and emerging risks and issues relating to the delivery of the ICO's regulatory functions.
- Delivery of the Regulatory Action Policy (and related statutory guidance), International Strategy, Technology Strategy, FOIA/EIR strategy, Intelligence Strategy, and the performance and quality KPIs associated with our front-line services.
- Performance of the ICO's front-line services to deliver excellent customer service, and communicating to the organisation the outcomes of ongoing service excellence work in the regulatory divisions.
- Ensuring appropriate design and implementation of succession planning arrangements relating to regulatory activities.
- Oversight of regulatory governance and identification and mitigation of regulatory risks, ensuring that the ICO is aware of and actively monitoring all risks presented by the community which it is responsible for regulating. The RDB will report to the Risk and Governance Board for purposes of ensuring consistency of risk management across the organisation, and to ensure that risk are escalated to the corporate register where appropriate.
- Monitoring financial performance relating to regulatory activities, and ensure the optimisation of resources across the regulatory divisions. The RDB will make recommendations to the Chief Regulatory Officer on potential areas for efficiency savings or prioritisation, and refer issues to the Resources Board as required.

- Reviewing exception reports in respect of other governance bodies within the Regulatory portfolio (including project boards), which articulate any risks or opportunities, together with the planned action to address any issues raised, or capitalise on the opportunities identified. These project boards will retain decision-making authority, but may seek guidance from the RDB as required.
 - Ensuring that equality, diversity and inclusion (EDI) considerations are continually considered and address throughout our Regulatory work and the delivery of the ICO's equality objectives (within the Board's remit). The RDB will refer issues to the EDI Board as appropriate, and consider issues referred to it by the EDI Board.
- 2.3. Regulatory Delivery Board is not responsible for making decisions on any specific regulatory action which the ICO may be considering. These are considered through the decision-making mechanisms within the relevant Directorates and Departments

3. Work Programme

- 3.1 The RDB will maintain a work programme which sets out its expected activities to meet these responsibilities for the next 12 months. The RDB will consider this work programme at each meeting. Corporate Governance will keep this work programme up to date based on the information provided by RDB members. Where the RDB deviates from this work programme the reason for this should be recorded in the minutes.

4. Authority

- 4.1 The RDB's authority derives from ET and SLT. Where work of the Board is materially contributing to achieving ET's goals, the Board will report this to ET for assurance. Where the work of the Board introduces a significant risk to achieving ET's goals, the Board will refer that to the relevant ET member, who may refer this to ET for decision. ET's goals are provided as an annex to these Terms of Reference. The RDB will also provide assurance to the Management Board, through regulator updates via the IRSP report.

5. Links to other bodies

- 5.1 The RDB will receive reports from any other governance group as appropriate, and will also refer reports to other groups as appropriate.

Senior Leadership Team

- 5.2 The Chair of the RDB will provide a report on the RDB's activities to each meeting of SLT. This includes highlighting any issues to be discussed at future Board meetings, to facilitate advanced consultation. The RDB's work programme will also be provided to each SLT meeting for information. The RDB may also receive reports which have been considered by SLT, where appropriate.
- 5.3 Where required, other members of the RDB may attend SLT meetings to provide information or input from the RDB.

Other Boards

- 5.4 The RDB will work collaboratively with the other Boards as appropriate, ensuring that views of other Boards are considered when the RDB exercises its responsibilities, and understanding that other Boards will act similarly in considering the RDB's views. This may happen at an informal level between Board Chairs or Board members.
- 5.5 The Resources Board will highlight issues to SLT or refer issues to other Boards for information where it is clear that another Board should be aware of the work of the Resources Board.
- 5.6 There is no overlap between the roles of the Boards. However, in exceptional circumstances, there may be issues where approval is required by more than one Board before action can be taken. This should be avoided wherever possible through discussion between Board chairs and consultation between Board members. However, where this is unavoidable, the same report should be reframed and presented to both Board meetings, with a clear recommendation on the specific decision needed from each Board. Outcomes from one Board will be reported to the other Boards. Corporate Governance will facilitate this process.
- 5.7 In the event of a conflict between two Boards, the Chairs should meet to determine the way forward and inform

Corporate Governance accordingly. If conflict remains, the matter should be referred to SLT for decision.

Programmes

- 5.8 The RDB may be responsible for the delivery of a range of programmes. These will be delivered through a separate programme board, but as required this programme board will report to the RDB to ensure appropriate oversight.

Executive Team

- 5.9 The RDB may refer issues to ET where they require clarity, direction and approval in areas of greatest corporate risk or opportunity.

6 Chair

- 6.1 The RDB is chaired by the Chief Regulatory Officer. When the chair is unavailable for a meeting, they will nominate a substitute to chair the meeting in their absence.

7. Composition

- 7.1 The RDB comprises:
- Chair: Deputy Commissioner (Chief Regulatory Officer)
 - Deputy Commissioner (Regulatory Futures and Innovation)
 - Deputy Commissioner (Regulatory Strategy)
 - Director of Data Protection Complaints & Public Advice
 - Director of Digital, IT and Business Services
 - Director of Regulatory Futures
 - Director of Freedom of Information and Transparency
 - Director of High Priority Investigations & Intelligence
 - Director of International
 - Director of Investigations
 - Director of People and Workforce Planning (or their representative)
 - Director of Regulatory Assurance
 - Director of Technology and Innovation
 - Director of Operation Chandra
 - Director of Economic Analysis and Regulatory Portfolios

- Acting Director of Regulatory Assurance
 - Head of Knowledge Services (or their representative)
- 7.2 Private Secretaries to the Executive Team members involved in the Board will attend all meetings.
- 7.3 The Chair may amend this membership as required. They will report this to the next meeting of the Board when doing so, including the reasons for the change in membership. Corporate Governance will then update the Terms of Reference.
- 7.4 Department Heads within Regulatory Supervision Service and Regulatory Futures and Innovation Service will attend each meeting as observers, on a rota basis.
- 7.5 The Chair may also invite any other ICO staff to RDB meetings as required. This may include Chairs of other Boards, where an issue with crossover to that Board's area of responsibilities is due to be discussed.

8. Quorum

- 8.1 The quorum is:
- The Chair (or their nominated substitute); and
 - At least five other members.

9. Information requirements

- 9.1 All RDB members are responsible for ensuring that appropriate information is provided to the RDB to complete its responsibilities, including appropriate consultation to ensure that all potential impacts are considered before decisions are made.. The Chair is ultimately responsible for determining what information is required.
- 9.2 Following each meeting, a short communication will be sent to all Department Heads within Regulatory Supervision Service and Regulatory Futures and Innovation Service, to highlight the key decisions from the meeting.

10. Considering reports by email

- 10.1 In the event that an urgent decision is required between meetings, the RDB may consider reports by correspondence,

particularly those reports not likely to require significant discussion. Corporate Governance will facilitate this.

- 10.2 Any reports considered on this basis must receive sufficient responses to constitute the quorum for a RDB meeting. RDB members will usually be given one week to consider reports circulated by email, but if a clear consensus emerges before that, the decision may be implemented sooner. If significant discussion is required, the report should be referred to the next Board meeting.
- 10.3 Corporate Governance will provide a report to each RDB meeting on any matters considered by email, the comments received and the outcome of the consideration.

11. Budget

- 11.1 The RDB has no specific budget. Any work commissioned by the RDB will be funded from budgets within the relevant Directorate(s), or funded through an approved business case where necessary. This should be exercised in accordance with all other ICO budget controls.

12. Secretariat

- 12.1 Secretariat is provided by the Corporate Governance Team.

13. Frequency of meetings

- 13.1 The RDB will meet at least once a month. The group may meet more frequently, either with approval of the Chair or, in the Chair's absence, at the request of at least 4 Board members.

14. Evaluation

- 14.1 On an annual basis (or more frequently if required), SLT will review the ICO's corporate governance structure to ensure that it remains appropriate. The RDB should ensure that arrangements are in place to enable it to feed in to this review and satisfy itself that it is discharging its responsibilities effectively and efficiently.
- 14.2 In order to achieve this, the RDB will undertake a bi-annual review of its performance against the agreed forward plan, in order to evaluate its effectiveness and areas of improvement. A copy of this report will be provided to SLT.

14.3 The RDB should also periodically review the format and quality of reports submitted to them and provide feedback on good practice and areas of improvement to management teams.

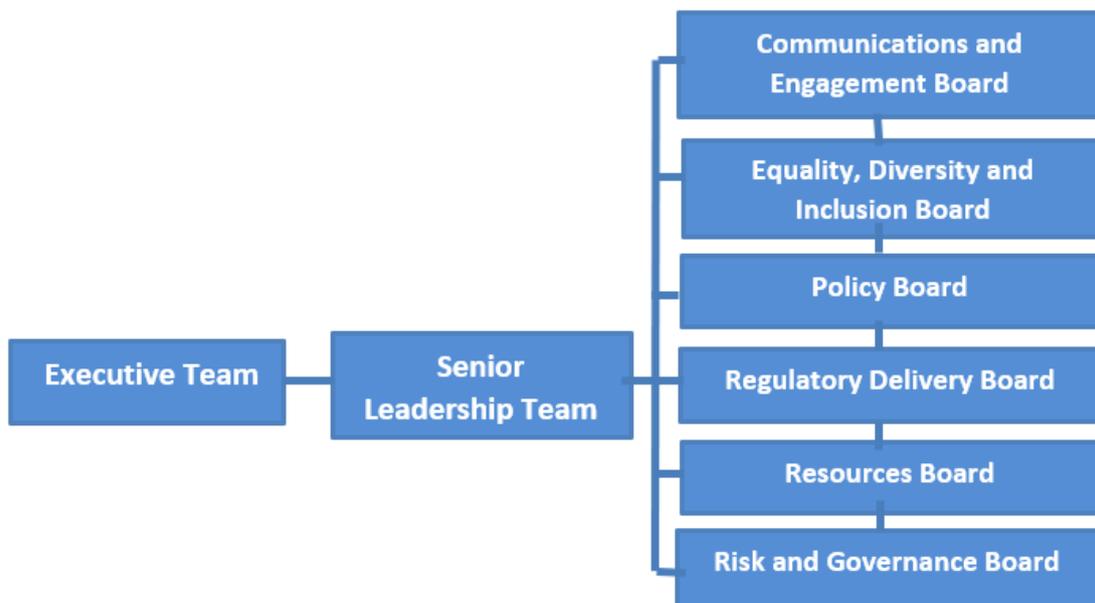
15. Publication of papers

15.1 The agenda for each meeting will be published internally via SharePoint. The minutes will be published internally via SharePoint, once approved. Reports will be published internally via SharePoint where deemed appropriate by report authors.

15.2 Agendas, minutes and reports will not be published externally.

16. Links to other forums

16.1 The Board's place in the overall governance structure is set out in the diagram below.



Annex – Executive Team goals

- Position of the organisation as the information rights regulator – setting the vision and mission and ensuring that all activities, either directly or indirectly, contribute towards it. Long-term horizon scanning, ensuring the strategic direction is based on a collective understanding of policy issues; using outside perspective to ensure that the ICO is challenged on its outcomes and understanding the perspective of others, in particular the regulated community and the public.

- Setting the tone and culture of the ICO – setting the ICO’s risk appetite and ensuring controls are in place to manage risk; agreeing and monitoring the ICO’s people related strategies and plans, monitoring the organisation’s compliance culture and ensuring there is a clear vision for the way the ICO works and understanding of its values.
- Ensuring the ICO has the capacity and capability it needs - determining sign-off of large operational projects or programmes; ensuring sound financial management; scrutinising the allocation of financial and human resources to achieve the plan and ensuring organisational design supports attaining strategic objectives. Evaluation of the Board and its members and succession planning to ensure the ICO has the capability to deliver and to plan to meet current and future needs.
- Defining the perception of the ICO – agreeing plans and strategies; setting objectives for strategic engagement activities; driving the ICO to be an effective, modern, independent regulator.
- Monitoring the performance of the ICO towards achieving its strategic goals – ensuring clear, consistent, comparable performance information is used to drive improvements and demonstrate the impact of the work of the organisation. Monitoring and steering performance against plan; scrutinising performance and setting the ICO’s standards and values, holding the Executive to account for delivery of its plans and strategies.