

Regulatory Committee minutes

29 June 2023

Details of attendees are provided at the end of the minutes.

1. Introductions and apologies

- 1.1. There were no apologies for absence. Tracey Waltho had explained that she would be joining the meeting slightly late, due to technical difficulties.

2. Declarations of interests

- 2.1. No declarations of interests were made.

3. Matters arising from the previous meeting

Minutes

- 3.1. The minutes of the previous meeting were approved as a correct record, subject to the addition of "innovation" to the end of the sixth bullet point of paragraph 3.4.

Actions

- 3.2. All actions from previous meetings had been completed.

4. Regulatory risk project update

- 4.1. Paul Arnold presented a report giving the Committee an update on progress with the current regulatory risk review project. The Committee also received information on the early deliverables of the project, particularly penalty setting guidance, and the initial proposals for frameworks and processes.
- 4.2. The Committee discussed the importance of closely monitoring the contract to ensure that the project was delivered to time and scope. The Committee received assurance that there were weekly project management meetings to ensure this.

5. Current and emerging high profile regulatory activity

- 5.1. Stephen Bonner, Emily Keaney and Claudia Berg provided an overview of current and emerging high profile regulatory matters. They focused on matters relating to children's privacy, particularly: the TikTok enforcement case; evaluation of the impact of the Age Appropriate Design Code (Children's code) and new guidance

regarding “likely to be accessed” in this context, as well as exploration of age assurance activities; other children’s privacy enforcement investigations that were ongoing. The Committee also received updates regarding other high profile enforcement activities. Some of the updates provided including confidential, legally privileged information.

- 5.2. The Committee discussed the overall vision for children’s privacy, suggesting that a clear external message of this could be extremely useful in explaining the ICO’s impact to protect children. The Committee received assurance that a children’s privacy strategy for the next 12-24 months was currently being developed, and that there was a clear cross-office vision to protect children’s privacy.
- 5.3. The Committee also discussed the length of time it was taking to complete these children’s privacy investigations, the lessons learned from these investigations, and how these lessons were being implemented. The Committee also discussed the preferred balance between enforcement activity and upstream guidance, and received assurance that this was a key part of the regulatory risk project.
- 5.4. The Committee also discussed the ICO’s role in relation to the immigration data, in the context of the government’s Rwanda migration partnership.

6. [Any other business](#)

Artificial intelligence

- 6.1. The Committee discussed progress of work in relation to regulation of AI and received assurance on the progress of the ICO’s work in this area, including cooperation other data protection authorities and the Digital Regulation and Cooperation Forum (DRCF). The Committee also received assurance that the ICO was content that the current regulatory framework was sufficiently robust to regulate AI.
- 6.2. The Board also received assurance that further information regarding the ICO’s approach to regulation of AI, as well as the ICO’s own use of AI, would be brought to forthcoming Management Board meetings.

Data Protection and Digital Information No 2 (DPDI) Bill

6.3. The Committee received assurance on progress of the DPDI Bill through Parliament; this had now passed through the Parliament committee stage. The current expectation was that the Bill would receive Royal Assent during spring 2024, subject to progress of the parliamentary process.

7. Messages for Management Board

7.1. The Committee discussed the key messages from this meeting to share with Management Board, and agreed that these should not include any information regarding individual organisations discussed.

ACTION: John Kavanagh to draft and circulate key messages for Management Board. Due date: 10/7/23

Attendance

Members

John Edwards (Chair)	Information Commissioner
David Cooke	Non-Executive Director
Jeannette Lichner	Non-Executive Director
Tracey Waltho	Non-Executive Director
Paul Arnold	DCEO and Chief Operating Officer
Stephen Bonner	Deputy Commissioner (Regulatory Supervision)
Emily Keaney	Deputy Commissioner (Regulatory Policy)
Melissa Mathieson	Director of Regulatory Policy Projects (Chair of Policy Board)
Peter Hustinx	Independent Member of the Regulatory Committee

Attendees

Claudia Berg	General Counsel
Louise Byers	Director of Corporate Planning, Risk and Governance
John Kavanagh	Director of Governance Transition

Secretariat

Chris Braithwaite	Corporate Governance Manager
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