

ICO Third Party Collaboration Policy



1.	Scope
1.1	This policy applies to all employees of the Information Commissioner's Office. Where the Policy refers to 'the ICO', it refers to the organisation as a whole, the Information Commissioner and individual staff.
1.2	The ICO is bound under the DPA 2018 and GDPR to engage in many forms of collaboration. These are not within the scope of this policy. This policy should only be used in application to collaboration which the ICO is entering into voluntarily, rather than as a requirement of its regulatory role.
2.	Introduction
2.1	This policy provides guidance on how to deal with requests for collaboration with a third party. Third parties are all organisations and individuals outside the ICO. Such involvement by the ICO may give the impression that it endorses the third party. This may, in turn, give the impression that the organisation is a recognised authority on information rights, openness of public bodies or data privacy. The ICO needs to be very careful in managing this perception.
2.2	The key role of the ICO is to "uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals."
2.3	You should bear this role in mind when considering issues in relation to this policy.
3.	Support and Collaboration
3.1	There are many forms of collaboration which the ICO may engage in with third parties. The guiding principle is that any work which the ICO engages in which may potentially give the impression to the public that it in any way endorses a third party should be considered in the light of this policy.
4.	Issues to consider when deciding on collaboration
4.1	The issues to consider when deciding on the ICO's engagement in collaboration with third parties will vary for each request.
4.2	A specific issue which should be considered in every case is whether you are aware that the ICO is engaged in or considering enforcement action against the third party. You are not expected to be aware of all such instances, but where you are aware you should act accordingly: in these circumstances, it will not usually be appropriate for the ICO to collaborate with that third party. However, it may be appropriate if the support is specifically designed to address the cause of the ICO's investigation.

4.3	Consideration should also be given as to whether the third party has paid the Data Protection Fee, if they are required to do so. This should be checked before agreeing collaborate with a third party.
4.4	Where we are taking part in collaboration which involves a number of third parties, the considerations set out below should be applied to all organisations involved.
4.4	Examples of further potential issues are set out below:
	Issue Consideration
	Is the third party a commercial (private sector) or non-commercial (public sector or charity) organisation? Where it is an individual, this should generally be considered a commercial organisation.
	It will usually be easier to collaborate with non-commercial third parties, as typically the goals of these third parties is more likely to be aligned with that of the ICO.
	Is the type of collaboration proposed intrinsic to the document/event (e.g. inclusion of the ICO logo on a document or making a key-note speech) or incidental to it (e.g. a request for a comment on a document, or attendance at an event with no set role)?
	Where the ICO's support is intrinsic to the document/event, it is reasonable for the ICO to request more control over the final form of the document/event. In many cases (such as the use of the ICO logo on an information booklet) it would be reasonable for the ICO to review the full final text of the report before the logo is provided. There is a significant reputational risk if the ICO lends its voice to inaccurate information.
	What is the reputation of the third party, both generally and particularly in relation to information rights?
	It will be easier for the ICO to collaborate with a third party which has a respected reputation either in information rights or their respective field.
	What other third parties are being asked for collaboration?
	Related to the above, the perception of other third parties who are involved may create reputational risks. For example, including the ICO's logo in an information booklet alongside that of a third party against whom the ICO is currently considering or

		engaged in enforcement action.
	What is the audience?	The ICO will be more able to collaborate with third parties if the audience of the work is focused around promoting information rights.
	Will the publicity from a proposed collaboration promote the ICO's priorities?	Collaboration will be more beneficial when it ensures that an audience is talking about an issue which the ICO wishes to promote.
	Is the involvement requested of the ICO relevant to the ICO's role? Does it give the impression that the ICO has a role that it does, in fact, not?	The ICO should be careful not to overstep its role. There may be other organisations who are more appropriately placed to provide the collaboration requested. If you have any concerns about whether any collaboration may be beyond the natural borders of the ICO's work, you should consult with a Head of Department.
4.5	This list of potential issues and considerations is not intended to be exhaustive. You will need to use your own judgement to identify the potential issues you will need to consider and the implications of those issues. You may wish to consult with a range of colleagues to identify these issues, particularly Corporate Communications and Private Office.	
4.6	You should take a risk-based approach to considering whether to engage with a third party. In some instances, it may be worth taking risks, in others it may not. You should take direction from the organisation's Risk Appetite statement, as set out within the Risk Register.	
5.	Responsibilities	
5.1	All staff are responsible for ensuring that due consideration is given to the issues set out within this policy.	
5.2	Corporate Governance is responsible for ensuring that this policy remains appropriate and up to date.	

Chris Braithwaite
Corporate Governance
September 2018