

# Regulatory Committee minutes

5 September 2024

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

## 1. Introductions and apologies

- 1.1. Apologies for absence were received from Paul Arnold.

## 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 had been approved as a correct record.

### **Actions**

- 3.2. The following updates regarding actions from previous meetings were provided:
  - 3.2.1. Emily Keaney provided details of the considerations taken into account when selecting the three causes, including the wide range of sectors considered.
  - 3.2.2. An update on the substantive focus areas for both the AI and AdTech cause boards; and Children's Privacy Board would be provided during the meeting.

## 4. Better Regulatory Interventions (BRI) – regulatory transformation programme

- 4.1. Emily Keaney presented a report setting out progress with the BRI programme; including key items the teams were able to deliver during phase two (January to March 2024) and the focus for phase three.
- 4.2. It was confirmed that Anulka Clarke has joined the programme team as Regulatory Action Framework (RAF) Product Owner, and Sponsor for Project 1: Implementing the RAF, with a focus on aligning the areas where BRI principles are already being used.
- 4.3. The Committee discussed the importance of cultural change in achieving the objectives of the programme; and the need to repeat

clear and consistent messages from senior managers in order to embed change.

- 4.4. There was reflection on the considerable progress made and the signs of success being seen; such as increased collaboration. However the significant level of change was also acknowledged; with a need to monitor progress against end goals, and focus on any barriers, to support colleagues at all levels to embrace new ways of working. Celebration of success in order to demonstrate the benefits of the new approach with links to reward and recognition, and performance management, were seen as key factors.

## 5. [Current and emerging high profile regulatory activity](#)

### 5.1. **Supervision activity**

- 5.1.1. Stephen Bonner provided an overview of current and emerging high profile supervision activity. In particular, he highlighted media interest in recent cases which has led to organisations more widely taking action to improve their processes in response.
- 5.1.2. There were further discussions about recent trends seen, the benefits of publicising enforcement action at an early stage to bring about change more widely; and links with the public sector approach.

### 5.2. **Policy outputs**

- 5.2.1. Emily Keaney provided an overview of current and emerging high profile policy outputs and the Regulatory Policy Forward Look. In particular she highlighted work on children's privacy in the context of BRI; with many areas of the organisation having worked closely together and demonstrating the BRI principles in action.
- 5.2.2. The Committee noted the ambition reflected in the Forward Look to capitalise on work already done in preparation for the DPDI bill; and there was reflection on the need to keep future work under review to ensure sufficient capacity to deliver priority work on the causes and requirements of any new legislation. This would require ongoing prioritisation.
- 5.2.3. The Committee discussed collaboration with other regulators on children's privacy.

### **5.3. Regulatory Risks**

- 5.3.1. Stephen Almond provided an overview of current and emerging high profile outputs of Regulatory Risk; including work on AI and biometrics; and online tracking.

### **5.4. Litigation activity**

- 5.4.1. Claudia Berg provided an overview of current and emerging high profile litigation activity; and in particular the considerable involvement of legal colleagues in the work highlighted in the preceding updates.
- 5.4.2. Following publication of the fining guidance, attention will turn to the creation of procedural guidance to provide transparency and consistency.
- 5.4.3. The Committee discussed the delays being experienced in relation to the first tier tribunal and action being taken to address this situation as a priority.

## **6. [Impact measurement approach](#)**

- 6.1. Tom Reynolds and Alison O'Connor joined the meeting and presented a report setting out the importance of an effective impact measurement approach, our external obligations in relation to this; and the guidance used as a basis for an internal suite of resources.
- 6.2. The Committee commented on the clear framework provided by the approach, which will support the objectives of Regulatory Group, and enable future updates to Regulatory Committee on causes and other significant areas of work.
- 6.3. The Committee discussed in particular the value of the Ex-Post Impact Framework which will be published shortly; and the post-implementation review of our public sector approach and FOI Upstream project.
- 6.4. The Committee also discussed the links to the BRI principles, and impact reporting against business plans, with both a bottom-up approach assessing the impact of work and top-down measurement of success against objectives.
- 6.5. The Committee reflected on the target audience for the outputs of the impact measurement approach, and how external communication could help demonstrate our value and shift the focus onto achieving behaviour change across business and

government; rather than enforcement being seen as the key indicator of effectiveness.

- 6.6. The Committee commended the pioneering nature of this work, which has attracted interest externally, and suggested peer review may be helpful.

## 7. Digital Information and Smart Data Bill

- 7.1. Emily Keaney provided an oral update on developments in relation to legislative change; and ongoing work to bring together the expected impacts of the anticipated legislation.
- 7.2. The Committee discussed the government's aspirations to improve delivery through increased data sharing; and opportunities for us to demonstrate our value by supporting them to identify both solutions and risks. There was also discussion of the likely pace of the legislation and the expected phased approach of implementation.

## 8. Any other business

### **Media coverage**

- 8.1. The Committee discussed recent media coverage of retailers sharing images of shoplifters; and whether there may be an opportunity to proactively engage on responsible use of data in order to prevent or detect crime.

## 9. Messages for Management Board

- 9.1. The Committee agreed the following key messages from this meeting to share with Management Board:
  - 9.1.1. The breadth of the work being undertaken by the teams, in particular in the Regulatory Policy area, and the need to continue the work to build a culture of curiosity, agility and pace. The Committee also discussed the ICO's causes; as well as developments in the wider regulatory landscape including Ofcom's online safety work.
  - 9.1.2. The progress made on impact measurement; the Committee noted the importance of this work and the benefits of sharing this more widely in the regulatory community.
  - 9.1.3. Recent legislative developments, and the possibility of a new data Bill, were discussed. A more in depth update is planned for Management Board on the 16 September 2024.

## Attendance

### Members

John Edwards (Chair)	Information Commissioner
David Cooke	Non-Executive Director
Jeannette Lichner	Non-Executive Director
Tracey Waltho	Non-Executive Director
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
Stephen Almond	Executive Director (Regulatory Risk)
Louise Byers	Director of Risk and Governance

### Secretariat

Kate Jackson	Business Support Team Manager
Claire Churchill	Corporate Governance Group Manager
Willow Warder	Private Secretary