

Declaration of interests policy and procedures (Board members)

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Department/Team	Corporate Governance
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Key messages

The main objective of this policy is to explain the need for declarations of interests by members of Management Board, Executive Team, Management Board Committees (referred to as “relevant persons”) and internal governance meetings. The policy also sets out the process for publishing declarations of interests made by relevant persons.

Does this policy relate to me?

This policy relates to you if you are a member of the Management Board, Executive Team, Management Board Committees or any of the internal governance meetings.

This policy is not concerned with declarations of interest by all staff. These are governed by the Code of Conduct, available [at this link](#).

Members of the Corporate Governance team should also be aware of the policy in order to publish declarations made by relevant persons and provide advice.

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1. Introduction

- 1.1. The purpose of declarations of interests is to provide information to the public about the interests of key decision makers which might influence their judgement, decision-making and actions, or which might be perceived by a reasonable member of the public as doing so.
- 1.2. A declaration of interests form is to be completed by all relevant persons. Relevant persons are members of Management Board, Executive Team, or Management Board Committees. The relevant person must confirm the course of action to take, should an interest become pertinent to their work. These declarations will be published on the ICO's website by Corporate Governance.
- 1.3. In addition, at each internal governance meeting, members will be asked to declare any interests which they have in any items to be discussed at that meeting. Such declarations are not published

online separately, although minutes of meetings are routinely published online; the same principles as set out in this policy apply to oral declarations in meetings.

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2. Register of interests

- 2.1. On appointment to Management Board, Executive Team, Audit Committee, People Committee, Regulatory Committee (or any other Management Board Committee) a relevant person will be asked to complete a declaration of interests. This includes declaring relevant interests of family and close friends. The form is to be completed and returned to Corporate Governance within a month of receipt for publication.
- 2.2. Within the form, the relevant person will indicate the actions they will take, should any of the interests become relevant to issues being discussed. This may include:
 - fully participating in discussion of the matter. This will usually be the case when the interest is not directly relevant to the issue in question and there is no risk of the ICO being accused of bias;
 - participating in discussion but not being involved in any decision-making. This will usually be the case when there are no financial implications to the relevant person in question for the issue in question and/or a minimal risk of the ICO being accused of bias;
 - not take part in any discussion or decision-making (including leaving the meeting if it is during a formal meeting). This will usually be the case when there are any financial implications to the relevant person in question, or there is a risk of the ICO being accused of bias.
- 2.3. Relevant persons will be asked to review the published Register of Interests at least annually, usually each July. Relevant persons should also contact Corporate Governance at any time if they need to provide an updated declaration. Relevant persons will also be

asked to declare any relevant interests at each meeting (see section 3).

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3. Declarations of interests at meetings

- 3.1. There may be mitigating activities to consider in managing the conflicts of interests process before a meeting, such as managing the agenda and reviewing the Register of Interests prior to issuing the agenda, so that individuals with conflicts are not inappropriately included. Where appropriate, Corporate Governance will conduct this check and liaise with the meeting Chair and any attendees with potential conflicts to discuss the way forward.
- 3.2. There will be an item on the agenda for attendees to declare any interests which they have in any items on the agenda for the meetings of Management Board, Executive Team, Management Board Committees or any other internal governance meetings. Declarations made will be recorded and published in the minutes.
- 3.3. It is good practice to have this agenda item for any other formal meetings, but is not a requirement.
- 3.4. For relevant persons, if they have already declared an interest on the Register of Interests, it is good practice to declare that interest again in any meetings where it is likely to be a factor. This reduces the risk of there being a perception that any potential conflict is being hidden.
- 3.5. Members should declare any interests they have which relate to specific agenda items before any discussion takes place. Ideally, all interests should be declared within the declaration of interests agenda item. However, there will be occasions when a potential interest only arises due to the direction of discussion during an agenda item. In such circumstances, the person should declare their interest at the earliest opportunity.
- 3.6. Once an interest is declared at a meeting, the person's participation in the items where they have an interest will be considered in line with the guidance set out at paragraph 2.2. The

person may wish to discuss the potential conflict with the Chair before making the decision of whether they should continue to participate.

- 3.7. If a new declaration is made at a meeting by a relevant person, they should contact Corporate Governance to ensure that their register of interests is updated accordingly.

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4. Publication of interests

- 4.1. The Register of Interests for relevant persons will be published on the ICO's website [at this link](#). This ensures a clear public record of any potential conflicts of interests.
- 4.2. There will be some circumstances in which a relevant person must declare an interest that is not suitable for publication (such as for reasons of personal security). In such circumstances, the interest should still be declared to Corporate Governance, who will record that an interest has been declared, but will publish a redacted version of the Register of Interests to the website.

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5. Responsibilities

- 5.1. Relevant persons are responsible for ensuring that their Register of Interests is up to date and accurate and that any interests are declared at meetings as appropriate. It is recommended that relevant persons undertake an annual review of their Register of Interests as best practice.
- 5.2. Where a relevant person is uncertain about whether a particular interest should be declared, they can seek advice from the [Corporate Governance Team](#) in the first instance, and then the Commissioner or Chair of the Audit and Risk Committee. The responsibility and final decision for the declaration, however, always lies with the relevant person.

- 5.3. Corporate Governance is responsible for keeping the policy and procedures up to date, and for administering the policy and procedures in a timely and accurate way.

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6. Complaints and breaches of this policy

- 6.1. Where there is a potential breach of this policy or a complaint about a perceived failure of a relevant person to disclose a relevant interest, the complaint will be referred to the Information Commissioner.
- 6.2. The Commissioner will either review the case themselves, or refer this to another member of ICO staff or Non-Executive Director to review. In exceptional circumstances the Commissioner may choose to appoint a third party investigating officer.
- 6.3. The appointed person will investigate the matter in the manner that they deem appropriate. The investigation should begin within 10 working days of the complaint being received. The initial investigation will seek to establish all the facts surrounding the complaint and will provide a report to the Commissioner on the findings. This may include interviewing the person who is the subject of the complaint or suspected breach. The investigation should be concluded within 10 working days of commencement. However it may be necessary to extend this deadline.
- 6.4. Once the person investigating the matter has concluded their investigation, they will report their findings to the Commissioner. The Commissioner may make the determination of any action to be taken, or may delegate this to another person, typically a member of ICO staff (including the investigator) or the Senior Independent Director.
- 6.5. Corporate Governance will maintain a confidential log of any complaints or potential breaches, which will include the nature of the complaint or potential breach, the person who investigated it, and any actions taken as a result. Corporate Governance does not need to be informed of the complaint or potential breach until a decision has been taken on any action to take as a result of the

potential breach or complaint, but they must be informed at this point.

- 6.6. If there is a complaint about disclosures not being published then a service review will be undertaken in the first instance within the line management chain in Corporate Governance. If the complainant remains dissatisfied with the service then a second review will be undertaken by an independent Senior Manager but that will exhaust the internal complaints process.

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Feedback on this document

If you have any feedback on this document, please [click this link](#) to provide it.

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Version history

Version	Changes made	Date	Made by
1.0	Policy created to distinguish between policy and procedure.	Nov 2022	Chris Braithwaite
1.1	Updated to reflect internal audit recommendations. Publication procedure and declaration form added, and title changed. Minor changes made to wording.	Dec 2023	Fiona Wilcock

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Annex - Register of interests form

Click [this link](#) to access an editable Word version of this form.

Personal details

Name	
Position at the ICO	
Date completed	

Relevant interests

Directorships

1. Details of any directorships.

Name of organisation	Nature of organisation	Details of directorship	Action to take ¹

Employment

2. Details of any other employment.

Name of organisation	Nature of organisation	Details of employment	Action to take ¹

Voluntary positions

3. Details of any voluntary work.

Name of organisation	Nature of organisation	Details of voluntary work	Action to take ¹

Political activity

4. Details of any political activity.

Political activity	Details	Action to take ¹

¹ The purpose of this column is to set out in advance the action that you will take should that interest become relevant any issues being discussed during your role at the ICO. This may be: fully participate; participate in discussions but not decisions; withdraw from discussion and decision. See paragraph 3.5 for further guidance regarding this.

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Financial or material interests

5. Details of any sponsorship or financial or material support that you receive from an organisation.

Name of organisation	Details of financial or material support	Action to take ¹

6. Details of any organisation in which you hold a total investment or other interest which has a value over £25,000 or which accounts for more than 1/100th of the issued shares or securities of that organisation, or of any class of such shares or securities².

Name of organisation	Details of financial or material interests	Action to take ¹

Other relevant interests

7. Details of any other interests or membership of professional bodies, including the significant interests of family and close friends in the previous categories of this form, which might affect the carrying out of your duties at the ICO, or which might be perceived by a reasonable member of the public as doing so.

Any other relevant interests	Details	Action to take ¹

If you are in any doubt as to what to, or not to, include please contact corporategovernance@ico.org.uk in the first instance.

¹ The purpose of this column is to set out in advance the action that you will take should that interest become relevant any issues being discussed during your role at the ICO. This may be: fully participate; participate in discussions but not decisions; withdraw from discussion and decision. See paragraph 3.5 for further guidance regarding this.

² This does **not** include financial products such as endowment policies and pension plans. You also do not need to provide the amount of the investment or interest.