

# Declarations of Interest and Secondary Employment Policy

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## Key messages

The main objective of this policy is to ensure that all staff are aware of their responsibilities to the ICO if they have outside interests, such as business, voluntary positions, or secondary employment which present any actual or potential conflicts of interest.

It also ensures that individuals are aware that their employment with the ICO carries with it a requirement to: conduct themselves with integrity, impartiality, objectivity, honesty and in accordance with the ICO values; and not to misuse their official position to further their private interests or those of others.

The policy provides a guide for identifying, monitoring, and managing potential conflicts of interest that could arise for ICO employees and those working for and on our behalf. Ensuring that ICO employees have a clear understanding of what constitutes an actual or perceived conflict of interest.

Building on the requirements of the Staff Code of Conduct the policy describes the process for declaring any outside interests or secondary employment. This is to ensure any declared conflicts of interests are managed effectively, to protect the interest of both our customers and employees.

The aim of the policy is to obtain details of the nature of external interests in which an individual is involved, and confirmation that they understand the requirement to ensure that these interests do not conflict with those of the ICO.

Failure to comply with this policy may result in disciplinary action in accordance with the ICO's disciplinary policy.

## Does this policy relate to me?

This policy applies to all employees of the Information Commissioner's Office. The Non-Executive Directors and the Independent Members of the Audit Committee are subject to the Publication of Declarations of Interest Policy and Procedure. The Executive members of the Management Board are subject to both.

We have a separate policy for alleged criminal breaches by ICO staff of S132 and s170 of the Data Protection Act 2018 (previously s55 of the Data Protection Act 1998 and s59 of the Data Protection Act 1998) and s77 of the Freedom of Information Act 2000. Any allegations made of this nature should be reported to the Head of Investigations (Criminal) and the Group Manager, Criminal Investigations Team. The policy applies to all colleagues that are directly employed by the Information Commissioners Office.

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## 1. Introduction

- 1.1. This policy is designed to allow you to have the greatest possible freedom to follow outside interests whilst safeguarding the impartiality of the ICO. The aim is to avoid the potential for conflicts of interest to arise or to be perceived to arise.
- 1.2. Conflict of interest refers to a situation when someone has competing professional or personal obligations, or personal or financial interests, which would make it difficult to fulfil their duties fairly or effectively, or which could influence, or may be perceived to influence, the ICO's judgements or actions.
- 1.3. The ICO is an independent body, and it is important for it to be free from outside influence. It is important that the ICO is clearly seen and acknowledged as being free from bias in all its dealings.
- 1.4. It is therefore inappropriate for you to refer to the ICO, its policies, funding, management, or other dealings in the context of outside interests.
- 1.5. Nor should you engage in activity which may call into question the separation of your outside interests and your professional role at the ICO.

- 1.6. You should read this policy in conjunction with the Staff Code of Conduct and your contractual obligations as outlined in your statement of main terms and conditions of employment.
- 1.7. The People Services team will remind you of the need to ensure that you have provided an up-to-date declaration of external interests on an annual basis.

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## 2. Interests to be declared and restrictions

- 2.1. There are a range of circumstances and activities that might lead to a conflict of interest which must be declared. The following list is illustrative, but not exhaustive. If, having read this policy, you are unsure whether you need to declare a particular interest, you should consult your head of department or contact People Services via the Help App in Workday.
  - Secondary employment (see also section 3);
  - self-employment (see also section 3);
  - directorships of or holding Company Secretary status for a company or partnership;
  - holding a controlling interest in an organisation which is subject to formal enforcement action by the ICO;
  - non-executive positions (in public, private and third sectors); and
  - voluntary or unpaid activities which may be viewed as having potential to cause a conflict of interest (e.g., membership of an NHS Trust or charity's Board).
- 2.2. You are obliged to make a declaration of interest in any circumstances which may be perceived as having the potential to cause a conflict of interest.
- 2.3. You will not normally be permitted to engage in outside interests or activities which involve any of the following:
  - Provision of consultancy services relating to any aspects of the information rights activity of the ICO, or what may be reasonably considered to be related to ICO activity;

- participation, contribution to or editorial oversight of any publication or media which concerns or comments upon the activity or interests of the ICO; or
- any activity which may reasonably be assessed as risking bringing the Commissioner or the ICO into disrepute or having the potential to create an insurmountable conflict of interest. A conflict of interest would be insurmountable if regardless of any mitigations that are put in place, there will always be a clear perception by a reasonable member of the public that the ICO will be biased in any dealings in the area relating to your outside interest or activity. This will always be a judgement call, and will depend on the nature, seniority and level of influence or control of both your ICO role and the interest in question.

- 2.4. You are reminded that you are bound by a duty of confidentiality and the requirements of s.132 of the Data Protection Act. You must not knowingly or recklessly disclose information to which you are party during the course of your work to the ICO, and this obligation continues even after you stopped working for the ICO.
- 2.5. As part of the process of declaring outside interests you must sign a declaration, as outlined later in this policy, stating that you understand your responsibilities to the ICO and agree that you will not engage in activity which is in any way related to the organisation or its work.
- 2.6. If, in the opinion of the ICO's management, your outside interests could cause an insurmountable conflict of interest, you will be required to take action to prevent that conflict arising.
- 2.7. That may involve action within the ICO, for example re-assigning you to different activity, or action on your part such as ceasing involvement with the outside interest.
- 2.8. Your declaration of interest will be stored on your personal file. A list of staff who have made a declaration of interest will be maintained by People Services. This log will not contain specific

details of the declarations made and is not intended to be made public. (See FAQs for further details).

- 2.9. In most circumstances there is not a requirement to make any kind of declaration relating to the interests of family or friends. The exceptions to this principle are circumstances where your role may otherwise require you to input into a matter which has a specific impact upon them or their interests. For example, it is inappropriate for you to be involved in a case the ICO is investigating concerning your partner's employer or business.
- 2.10. In such circumstances you will not need to complete the declaration form, but you must consult with your head of department to explain the possible conflict of interest.
- 2.11. Your head of department will decide if it is necessary to distance you from involvement in the issue. This will depend on the specifics of the matter, and they should contact People Services via the Help App in Workday at an early stage where feasible.

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### 3. Secondary and self-employment

- 3.1. If you have secondary employment whilst employed by the ICO, you must notify your manager and People Services, using the form in Annex B, at the earliest opportunity. The form should be submitted to People Services via the Help app in Workday. For the purposes of this policy, secondary employment also includes self-employment.
- 3.2. The ICO does not prohibit you from taking secondary employment and will not unreasonably withhold permission for you to do so, provided that the second job does not present an insurmountable conflict of interest with your role here or the work of the ICO.
- 3.3. The following restrictions apply when undertaking secondary employment:

- Work relating to your secondary employment must not be conducted within your work hours at the ICO (including lunch and other breaks) and you must not make use of ICO resources for your secondary employment.
- For health and safety reasons your working hours, rest periods and annual leave must all meet the requirements laid out in the Working Time Regulations 1998 as follows:
  - Your overall combined working hours must not exceed the limit of 48 hours per week on average in any 17 week period. It is your responsibility to ensure that you do not exceed this limit.
- Rest breaks must be taken as follows:
  - 11 hours uninterrupted rest in any 24 hours
  - 24 hours uninterrupted rest in any 7-day period
  - 20 minutes rest after any 6 hours of work
- The minimum amount of Annual Leave is 28 days including bank holidays (20 annual leave days plus 8 bank holidays). This minimum amount must be used for non-work activities.
- Any secondary employment must not adversely affect your attendance, time keeping and work performance at the ICO.
- Any secondary employment must not be with a customer, supplier, or other stakeholder of the ICO.
- The job or the type of job involved might represent a conflict of interest or risks reflecting poorly on the reputation of the ICO.

3.4. Where there are concerns in relation to any of these points the ICO may decide that the secondary employment cannot be approved, or if these concerns become evident whilst you are undertaking secondary employment, approval may be withdrawn. Continuing to undertake secondary employment without approval from the ICO may result in disciplinary action.

- 3.5. You must inform your manager and People Services if your duties change or if you leave your secondary employment.
- 3.6. A new declaration will be required if you take up a new secondary job.

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## 4. Business Interests

- 4.1. There is potential for conflict of interest where you, your partner or a family member has a direct or indirect business/financial interest (such as investment, employment, or the expectation of future employment) in an institution which:
- Is under investigation or is linked to an investigation conducted by the ICO.
  - Transacts business or has any kind of commercial contract with the ICO.
- 4.2. Gifts and hospitality may create a conflict of interest in relation to both investigations and purchasing supplies and services or awarding contracts. Please refer to the ICO Gifts and hospitality policy for further information and guidance.

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## 5. Personal Interests

- 5.1. This may arise where you, your partner or family member has a close relationship with a stakeholder, contractor etc of the ICO or a personal interest which could be seen to compromise the work of the ICO.
- 5.2. Relationships at work may also be a conflict of interest. Examples of this may be where an intimate or close (for example family) relationship between two employees could be perceived as conflicting, for example if one manages the other. In such circumstances the potential conflict must be disclosed.



- 5.3. Disclosure of such relationships may involve the disclosure of highly sensitive information and special category data and therefore will need to be handled carefully. In these cases, you should make the disclosure directly to the Head of Reward and Performance.

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## 6. Self-employed contractors, agency workers and consultants

- 6.1. The above groups should notify their people manager of any conflicts or potential conflicts, in line with the principles contained in this policy, so that, if necessary, suitable steps are taken to avoid conflicts.

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## 7. Joining the ICO

- 7.1. Individuals applying to join the ICO including contractors and secondees will be required to complete a Declaration of Interests. If there are interests which create an actual or potential conflict of interest in relation to the job or contract applied for, these will be discussed with them and may lead to the withdrawal of an offer.

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## 8. Process for declaring conflicts of interest and secondary employment

- 8.1. To declare outside interests or secondary employment you must advise your people manager using the template at Annex B. The template will require you to provide all pertinent details including:
- The nature of the potential conflict of interest;
  - the name of the party, organisation, or body with which you are involved;
  - the nature of the activity you are involved in;

- the name of your secondary employer, the nature of their business and your role with them and your hours worked;
- the nature of any self-employment;
- what potential mitigation has been put in place; and
- a declaration that you understand and agree to adhere to the ICO's policy regarding conflicts of interest and secondary employment.

8.2. Once your manager and head of department have reviewed your declaration, it must be forwarded to the People Services team who will consider your declaration and respond to you in writing within 28 calendar days of receiving your request. They may seek advice from other senior managers of level G or above if necessary.

8.3. If there are no concerns arising from your declaration, you will be informed in writing by People Services.

8.4. If your declaration raises concerns which require action on your part, or by the ICO, to remove the potential conflict of interest you will be given a full written explanation. For example, you may be required to cease involvement in the outside interest or your ICO work may be changed. This will normally only be the case if you are employed in a sensitive area of work in which the impartiality of the ICO is most at risk.

8.5. If you have concerns about the actions expected of you or proposed by the ICO you may submit an appeal. To do so you must submit a written appeal via the People Services Help App in Workday within 14 calendar days of receipt of the explanation given to you.

8.6. Your letter of appeal should provide as much detail as possible about why you feel the required actions are not necessary, or if appropriate suggest alternative arrangements which will remove the conflict of interest.

8.7. Your letter of appeal will be considered by an independent appeal panel of two people nominated by the Commissioner. The

panel may include the Commissioner, members of the Leadership Team or non-executive members of the Management Board.

- 8.8. If the appeal panel feel it is necessary, you may be offered the opportunity to meet with the panel to provide further details of your outside interests. If such a meeting is held you may be accompanied by a colleague or trade union representative.
- 8.9. You will receive a written response within 28 calendar days of your appeal being received, or of the appeal meeting taking place if such a meeting was held.
- 8.10. There is no further right of appeal under this procedure.
- 8.11. If you change job role within the ICO you should contact People Services via the Help App in Workday who will determine if a review of declaration of interest is necessary.

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## 9. Contravention of this policy

- 9.1. If you contravene the requirements of this policy, you may be subject to a disciplinary investigation in accordance with the ICO Dispute Resolution Procedure and Disciplinary policy. If it is found that you have acted inappropriately, you may be subject to disciplinary action.
- 9.2. Depending on the nature of the contravention of this policy disciplinary action may vary from a record of concern, first written warning, final written warning or even dismissal if the contravention is found to constitute a breach of contract or gross misconduct.
- 9.3. If you ever have any doubts about the requirements of this policy you should contact People Services via the Help App in Workday for clarification.

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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		June 2018	
2.0		November 2021	Human Resources
3.0	Incorporation of Inside Information policy	February 2023	HR Ops in consultation with Director of Legal Services and Director of Risk and Governance
3.1	Reviewed by Head of Investigations	Updated August 2023	People Services
3.2	Updated following feedback from Trade Union	September 2023	People Services
3.2.1	Minor amendments to direct queries to people Services Workday Help instead of HR team email	June 2024	People Services
3.3	Separation of Insider Information Policy following an internal audit by GIAA.	December 2024	People Services
3.4	Formatting corrections and replacement and updates to Policy Owner	June 2025	People Services

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## Annex B

### **Declaration of outside interests/secondary employment**

<b>Name:</b>	
ICO Job and Department	
Details of outside interest including organisation and the nature of your interest with them.	
Details of secondary employment including: Name of employer; nature of their business; your role with them and hours worked	
Potential conflicts of interest identified	

I \_\_\_\_\_ [name] declare the above outside interests.

OR

I \_\_\_\_\_ [name] am seeking permission to engage in secondary employment.

I understand that it is a condition of my contract of employment, ICO Staff Code of Conduct and of the policy regarding outside interests and secondary employment, that my private interests must not subordinate my duty or put myself in a position where my duty and my private interests' conflict.

I recognise and understand that I must not make use of my employment with the Information Commissioner's Office to further my private interests and will not undertake any activity which may embarrass the public image of the Information Commissioner or the Information Commissioner's Office.

I therefore undertake to ensure that my private interests do not overlap or conflict with the work and activities of the Information Commissioner's Office.

Signed:

Date:

Line manager:

Signed:

Date:

**Please now submit this form using People Services Help.**

For completion by, or on behalf of, Head or Reward and Performance:

Type of risk: Perceived/Potential/Actual

Mitigations agreed:

Approved by:

Date: