



Information Commissioner's Office

## Comments on the Parliamentary and Health Service Ombudsman's Information Promise and Framework

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner's Office (ICO) welcomes the opportunity to respond to this consultation. In the response we shall focus on issues that have transparency, data protection and privacy implications.

### The Promise

1. The [ICO's Personal Information Promise](#) makes it clear organisations should consider the privacy risks first when planning to use or hold personal information in new ways. This is an approach that the Parliamentary and Health Service Ombudsman's (PHSO) should consider for their Information Promise.
2. There should be a clear statement that personal information will be kept to the minimum necessary and that once the information is no longer needed then it will be deleted.
3. A process needs to be developed and implemented to ensure that the Information Promise is lived up to and that progress is recorded.

This is important because we find that when we get involved with organisations following a serious data protection breach, we usually find that the organisation has adopted relevant policies. Unfortunately little or no effort has then been made to put these policies into practical effect. A policy is a start but

it must make a real impact in practice.

## The Information Promise Framework

1. We would suggest that the third part of the Framework document ("Our approach") is reversed so that the legal framework is the first point. This is because to us the legal and administrative framework is the clear minimum while the standard derived from the PHSO's values demonstrates how the organisation is going beyond the minimum requirements.
2. For the seventh part ("Reporting, reviewing and measuring success") we welcome the proposal for the PHSO's Director of Communications to produce a report on the Information Promise. In our view this will help to ensure that the Promise has practical effect in the organisation. We also consider that as well as a summary of this report appearing in the Ombudsman's Annual Report, the report should be made available in full through the PHSO's Publication Scheme once the Annual Report has been published.

We do not have any further comments to make.