

## Notes from the speeches made to delegates of the DPOC, 4 March 2009

### David Smith - Introduction

David Smith welcomed the delegates. He was keen to stress that the ICO welcomes the DPO's feedback throughout the day. David introduced Richard Thomas.

### Richard Thomas presentation

Richard echoed David's welcome and was pleased with the fantastic turnout – the conference was oversubscribed. Richard explained that this was not the Richard Thomas farewell show and hopes that everyone will extend a warm welcome to Christopher Graham at the next DPO conference.

The theme of this presentation was how Data Protection has come of age and is being taken seriously at last. The DPO's important role is now being taken more seriously. Richard explained that the ICO wants a two-way dialogue with DPOs and hopes that today contributes to that process in the workshops.

Richard referred to the tracking survey on the ICO website to display how DP is being taken more seriously by:

#### Individuals

- 94% of individuals say that "Protecting personal information" is their joint top concern (out of 10, with Crime joint 1st)
- 86% are aware of access rights - up from 74% in 2004

#### Organisations

See data protection as a reputational issue – impacting on public trust and confidence. 95% said that DP is = "Needed" ; 87% said that it = "improves customers' trust" [up from 78% in 2004]

Society - has "Surveillance State" concerns.

Richard discussed the 'climate change' that there has been in Data Protection issues. Data protection issues and cases are now setting the news agenda. It is 'enjoying' a high profile, with politicians engaged in the subject and important reports such as Lord Peston's and Lord Woolf's. Priority is now being given to information rights.

Richard went on to discuss the current Data Protection drivers:

- Technology – there are new methods to create, use and store data with increased ability to store large amounts of data easily.
- Surveillance Society concerns held by society in general.
- Transforming public Services where larger databases are being created and shared. Richard commented that John Suffolk would likely talk later about the Government's concerns and in some respects they have to catch-up with the private sector.



- Public and media concern – Richard commented how the Telegraph's editorial last Sunday was largely about the work of the ICO, covering topics including surveillance society, data breaches, MP's expenses and ID thefts.
- Data breaches

Richard discussed the data breaches reported since Nov 07. He highlighted that 401 breaches have been reported to the ICO in total since HMRC. Stolen data and hardware being the most frequently occurring breach. Richard explained that it is not mandatory to notify ICO of a breach but we encourage it as then we can work to rectifying the problem with an organisation.

Richard explained that there is a plethora of sources of Good Practice guidance available:

1. ICO - Website + staff: Richard hopes that DPOs monitor the ICO website regularly to keep up to date with the current guidance. ICO staff play a vital role and have a good relationship with the DPOs at the conference. The DPP team has attended 300 meetings and 800 external engagements with data controllers this year.

Richard explained that there are now a number of guides to put before senior managers in organisations to help put DP on their agenda:

2. ICO - Privacy Impact Assessments Handbook
3. ICO – Privacy by Design
4. Managing Information Risk – HM Government
5. Directors' Guides to Managing Information Risk – Information Assurance Advisory Council
6. Data Handling in Government

Audit committees are now taking information security and data protection more seriously.

Richard discussed reputation and regulation matters for the Board. Governance and accountability are key; the Board and Chief Executives need to be aware of DP and take it seriously. People need to know exactly who is responsible if things aren't achieved. Richard said that there is a real need to get compliance paperwork right but by no means is this enough. There needs to be a holistic approach to information security and DP: Legal teams are important in researching and drafting the correct policies, procedures and contracts to ensure compliance; IT departments are important in implementing systems and people at the organisation are important as they can often be the weakest link. The DPO's role in this approach is key, they can take control of internal DP procedures.

Richard talked about the changes in prospect; he is standing down soon but there are so many changes afoot. The Civil Justice and Immigration Act 2008 will bring in civil penalties for deliberate / reckless and breaches with serious consequences at the end of the year. Financial penalties will act as a deterrent.

Proposals in Part 8 of the Coroners and Justice Bill were discussed in Parliament last week and were moved up the agenda to be discussed as the second point. Debate moves to the Commons soon.

There will soon be increased notification fees for largest organisations – it is not right that small traders pay the same fees as a large multi-national organisation. The fees will remain the same for 90% of organisations. However, the increased fees will enable the ICO to do its job better.

Richard discussed his concerns that the Coroners and Justice Bill has been drafted wider than he wanted in respect of Data-sharing Orders. Richard explained that more scrutiny and safeguards were necessary. He said the drafting must be narrowed and improved and must be balanced by effective ICO inspection powers. The Assessment Notice must cover all data controllers as it only currently covers central government and public bodies. The ICO needs to have a sanction for those organisations that refuse to comply with an assessment notice.

Richard explained that there will be some challenges and issues for discussion today:

The growth of the ICO – it will be larger and more influential. There is starting to be greater recognition for Data Protection/Privacy Officers. Although there is an economic recession, DP is not an area where budgets can be cut, organisations cannot afford not to comply. The global agenda will also be discussed as we are part of Europe and there will be debate and review as to what a modern DP Directive will look like.