

## **Data Protection Officer Conference in 2010**

### **Keynote address**

#### **Christopher Graham, Information Commissioner and CEO**

Chris began by referring to Hobson's Choice – a humorous story set in Salford.

He stated that all people are partners in the business of upholding information rights. We are all in this together in making sure information rights are respected.

Last year, when Chris was being assessed for the role of Information Commissioner, a previous BBC colleague commented that he was entering the eye of a hurricane/ storm.

Although there are constant developments in technology, there are a lack of resources etc. Because of all this new technology, consumers are concerned about potential abuses. As we are in a recession, bosses are perhaps thinking that DP is something that be economised on. This is very wrong. We should not be cutting back on DP as it is especially important now that new technology is advancing so quickly.

We need an integrated approach to information rights, incorporating both DP and FOI. Other organisations are approaching it in an integrated way, and so should we. For this reason we have a new mission statement and a new vision for 2012 (these were both quoted and explained). We also have a new corporate ID – we are an organisation that is changing and catching up – an organisation that dots the i's and gets to the point.

### **Overview of staff and organisational values**

People are looking to the ICO for guidance and advice, so we need to make sure we are up to speed on new technology etc. The contribution of *people* is absolutely key. We need to be a learning and development organisation and the ICO is being restructured to give us a more integrated approach. We are *changing*.

## Overview of company structure and departments

DPOs have many roles. They are looked to as the experts, as teachers etc. As such, we want to make sure that they have the right materials. We will not achieve information security and data protection just by shouting at people. Instead, it is about bringing people along. We are all ambassadors for good practice.

'Sharing' the heavy lifting. This is partly for the ICO to deliver, partly for DPOs. The ICO wants to help people to deliver public services and run organisations efficiently.

The job of a regulator is to enable good stuff to happen through a mixture of education *and* enforcement. The 'deterrent effect' can have a beneficial impact. Education needs to be emphasised first.

**Enforcement** – The ICO is sometimes accused of being a toothless poodle. Now it's a bulldog. On Monday we were approved for being able to issue civil monetary penalties. Organisations now seem to be sitting up and taking notice. We also have formal powers to conduct assessments and audits. Our audit function is becoming more staffed and more professional. We are conducting a serious assessment of how organisations are operating and how they can be improved.

Since last October, the largest DCs have been contributing a much more realistic notification fee.

It is not just a question of waving a big stick – there is the huge job of education and this is achieved through the website, newsletters etc. We want to make sure our voice is always heard.

**CEOs of organisations** – Do they only understand the scary language, such as the mention of fines, publicity, embarrassment, reputation etc?

We should be putting forward another message to organisations – do DP properly and you can reduce your costs. Do it right and you can really build customer loyalty, enthusiasm and respect.

One of the afternoon sessions is something we have invested in. No organisation can neglect to protect customers' and citizens' privacy. We are proposing practical tools to help assist organisations in DP.

Investing in the privacy protection – the privacy dividend. We would urge DPOs to subscribe to the website newsletter and also the Twitter alerts. The ICO is highly relevant and here to work with you.

We want to be effective in securing information rights for consumers and citizens.

### **Delegate questions:**

#### **Susan Graham – University of Edinburgh**

Qu: The ICO has a new structure which seems to separate Operations from the Policy side. Policy still needs to be informed by experience so how are we joining up the circle?

CG ans: Our experience should inform Policy work and vice versa. We are all in the same family and need to make sure that we are talking to each other. We are expected to deal with a huge number of enquiries and we just have to get on with it. We did have a large backlog so now we need to demonstrate that we can be effective. We are not separating Policy and Operations but we are making sure that Operations are making informed decisions which are then fed back to the organisation as a whole.

#### **Veronica Fraser – Department of Health**

Qu: With reference to the Data Handling Review and Halligan Report – what would you advise in terms of administering that area? Culture change? What should be our administration on how to get this right?

CG ans: It is an opportunity to approach things differently. Real progress is being made on how the Data Handling Review is being implemented. Processes need to be embedded and the questions are of culture and approach. It may be for politicians to decide if we can move away from the heavy-handed approach. We need to be open to the idea that different times call for different solutions. DP is about an attitude of mind and about being able to deal with new situations.

#### **Nick Tyler – Astra Zeneca**

Qu: Changes are taking place at the ICO and there may be a different focus. As a multinational organisation, it would be interesting to hear your perspective in terms of an international work. What is the work of the ICO on the international stage? (Article 29 etc.)

CG ans: CG is very please with the work that the ICO has been doing regarding Article 29 in Brussels – the privacy directive. There is an increasing openness about the need to make sure that rules keep up with reality. We need a directive that is realistic and respected. By bringing these together we can get a level playing field across the EU and internationally.

**Ken Clarke – Rensburg Sheppards Investment Management Ltd**

Qu: In terms of enforcement, there is already a regulator that can impose fines (FSA), so who will take the lead on this?

CG ans: Organisations could think that this is double trouble – to be hit by both the ICO and FSA. BUT they don't have to be hit by either. We would defer the matter to the FSA if appropriate. After assessment, we would agree on a necessary action plan and check it has been implemented. If the organisation does not take notice, then we could consider fines. But we are certainly not about making money out of it.

**Margaret Russell – NHS Warwickshire – Community Health (Provider Services)**

Qu: What will the ICO do with the penalty money? Is our funding due to be cut, and as a result will we have targets to work to in terms of imposing fines?

CG ans: We are funded by the notification fees, and the new higher fees help our budget, but we will not actually gain any monetary benefit from the monetary penalties. The £500k fines should be few and far between – it is the deterrent effect that is important here. We are an incredibly independent organisation and there is no need for us to have such targets, however we are expected to perform.