



Data Protection Officer Conference 10 March 2008

Summary of Speaker Topics

Richard Thomas - Welcome

- Richard Thomas outlined the 'climate change' in relation to data protection. Specifically that it is now very high profile; it is at the forefront of the public services agenda, and the debate is in the public eye.
- He reflected on the data losses which have occurred, specifically in relation to the loss of a laptop by MOD, questioning why so much information was being collected? Why the information was held for so long? And why it was all being held on the one laptop?
- He welcomed the government response to the recent data security incidents and outlined how the ICO could be a more effective communicator with increased powers and support. The penalties the ICO have called for are required to act as a deterrent to stop organisations from breaching the Data Protection Act and from obtaining personal data illegally.
- Richard set out that our strategy is to work with stakeholders and, as part of this, it is important that we continue to work alongside data protection officers.
- He concluded that data protection is as much a matter of reputation as one of compliance with the law and it is now a 'board issue'. Notably, undertakings agreed by 11 banks last year were signed by individuals operating at senior levels within these organisations to ensure that the issues were recognised at this level.

David Smith – Opening remarks and launch of the data protection strategy

- David Smith thanked everyone for their responses to the consultation on the Data Protection Strategy. He went on to explain that the strategy sets out how we approach our job as a regulator, our approach to compliance and good practice, and our broad framework for our thinking.
- He outlined that the Strategy is designed to make us more effective, sets out how we are going to achieve good practice and tells stakeholders what we are doing. It also serves as a reference point for ICO staff. He explained that the key concepts underpinning the ICO's strategy were:
 - Minimising data protection risk
 - Compliance with the law is not an end in itself
 - Being selective to be effective

- Keeping freedom of choice
 - Being influential
 - Building public confidence
- He set out the importance of considering the likelihood that a breach will happen and the possible harm caused at the end of it. He explained that these are the areas of risk that we are most concerned about, and that we are moving away from compliance with the letter of the law in order to concentrate on helping people at risk.
 - David emphasised the importance of the ICO being able to be selective, set its own priorities and having freedom of choice in terms of how it operates as a regulator. This enables us to influence the market and political environment, for example through our surveillance society work.
 - He then went on to look at what we mean by 'minimising risk' in more detail. He outlined that harm caused to individuals, because information is being processed in breach of the principles, can be real, tangible and quantifiable. It can harm an individual's position within a family or community, for example neighbours or relatives being contacted by debt collectors who may disclose an individual's personal data. It can also cause harm to society, for example, the surveillance society work has an impact and possible implications for society as a whole.
 - He explained that when we look at how serious and likely the harm is, we make judgements over what action we need to take.
 - He concluded by emphasising our role in making individual's aware of their rights and how to use them. This includes working with other organisations, regulators, parliament and data protection officers. He also set out our key themes as a regulator. These include:
 - Unlawful trade in personal data - prosecuting those who obtain information by breaking the law.
 - Surveillance Society - working to mitigate the effects of a surveillance society.
 - Security - central issue in data protection.
 - Information sharing.
 - Law enforcement.
 - Effective data protection supervision - including global solutions and compliance with other data protection authorities.
 - ***Data Protection Challenges: Two Perspectives***
 - ***Kathy Ford (Public Sector) – Head of Corporate Information Management Department, Avon and Somerset Police***
 - Kathy gave a public sector view of data protection challenges. This was in the context of the development of her data protection department within Avon and Somerset Police from two people to its current size of seven separate units made up of 65 staff.
 - She arrived at Avon and Somerset Police and began to review the way data protection was handled. Specifically, when she received the first notification

renewal from the ICO this prompted an information audit to establish exactly what personal information was being held and processed by the organisation.

- Kathy went on to outline some notable data protection events in relation to Avon and Somerset Police. Specifically, in 1992 Avon and Somerset Police were forward thinking and identified that a civilian rather than a police officer should take on the role of data protection officer.
- In 1994, prior to CRB, Kathy's team audited their records database to remedy any inaccuracies. This database was an integral part of providing information on any relevant criminal convictions. Accuracy was therefore essential. The audit of the database acted as a template for all districts checking their records and resulted in the creation of an audit team.
- In 1996 she was involved in the development of an integrated relational database. One of the intended functions was to capture all information about individuals and hold it indefinitely. Kathy sat as a member of this project board and user group and provided advice about the type of problems that this form of database would create. As a result, it was agreed that this method of data capture and retention was not the preferred route.
- 1998 saw the introduction of the new Act and a key challenge was identifying how this would apply to manual files.
- The introduction of the Freedom of Information Act 2000 resulted in her role being expanded to incorporate both data protection and freedom of information to ensure that both areas were managed and coordinated effectively.
- In conclusion, Kathy set out how the department became restructured in 2005 and combined additional staff. They now have a police review team and have shredded 1 million documents to date.

- ***Amanda Chandler (Private Sector) – Data Protection and Business Continuity Manager, Vodafone***

- Amanda opened her presentation by reflecting on the differences between the challenges faced by public and private sector data protection officers.
- Although pointing out that Avon and Somerset Police obviously have a much larger department for dealing with data protection issues, Amanda went on to show that there was not a great amount of difference between them, and that both need to go through similar processes to ensure compliance with the Data Protection Act 1998.
- As a private company Vodafone has faced challenges such as growing as a company to increase profit and a changing competitive market. They are always aware that their job is to gain customers as well as providing a good quality service to any new and existing customers.
- Organisational challenges mean that there is constant pressure to save money and a drive for efficiency. They are expected to maximise profit margins by tightening budgets and increasing efficiency.

- Product and service challenges include the increasing sophistication of the products and services they offer; increasingly complicated tariff offerings and the convergence of mobile and non-mobile products and services.
- Amanda pointed out that their customers' interest lies in the products and services on offer and that they are generally not interested in data protection until something goes wrong. Although customers do expect their communications to be kept confidential their main interests are low costs and good network coverage.
- Whilst creating an environment for compliance Amanda advised that people do not choose their mobile phone operator on the basis of privacy. However, although there is no business case for being the best at data protection there are sound business reasons for getting it right.
- In order to appeal to customers' commercial interests it is essential for Vodafone to process their personal data in line with the data protection principles as the quality of the data processed leads to good decision making and therefore makes good business sense.
- Amanda closed her presentation by sharing her tips for integrating data protection into any business in a business-like manner. Advising that a compliance strategy, identifying and prioritising risk and carrying out a cost / benefit analysis will all help to show that good data protection makes good business sense.

Michael Wills, Minister of State – Keynote Address

- The Minister talked about the benefits of data sharing and the risk that poor data security and other data protection lapses could compromise this. He added if we are to reap the benefits of data sharing, we need to “get data protection right”.
- Concepts of privacy are defined by public opinion, but citizens have little say in how their information is used. Transparency and consultation are therefore key. Technology can be used to engage and empower citizens, giving them greater control over how their data is used.
- Data protection officers have a role to play here as they are on the front line. They can be sensitive to public opinion ‘on the ground’ in a way that can be difficult for government.
- The Minister acknowledged that political disengagement is a major problem and the public does not currently trust the government to handle personal information appropriately. He mentioned steps that have already been taken but said that more transparency is needed to build trust.
- Regular reviews of the statutory framework are necessary. The Thomas/ Walport review will recommend possible changes to the Data Protection Act.

- He set out that data protection officers have a duty to demonstrate that data protection safeguards are efficient and effective, and they should insist on full compliance within their organisations.
- In response to a question from the audience, the Minister commended the ICO for its “excellent job” on freedom of information and data protection. The former empowers individuals against the state – something which he said the government cared about – and information management is a fundamental issue in our society.
- In conclusion, the Minister went on to outline how Privacy Impact Assessments have an important role to play in data protection policy. He added that the government will await the outcome of the Thomas/ Walport review before it sets out its agenda in relation to data protection and security.