

Draft Corporate Plan

19 March 2010

Introduction

Information rights matter. Citizens and consumers increasingly expect public bodies to be open and accountable – and they demand that those holding their personal information, whether public bodies or commercial organisations, respect their privacy and do not abuse their trust.

The information society offers opportunities for all – better communication, ready access to knowledge, a wider choice of goods and services, smarter purchasing, and the more efficient delivery of public services. But the e-citizen is more demanding of public authorities and better equipped to assert his or her rights under the Freedom of Information Act and Environmental Information Regulations. Similarly, citizens and consumers have been empowered by the Data Protection Act and the Privacy and Electronic Communications Regulations to assert their rights to fair processing of their personal information. They may be unforgiving of brands that do not play by the rules or government agencies that are careless with their data.

This increasing public demand for accountability is a challenge not just to public authorities and data controllers but also to the Information Commissioner's Office (ICO), which is charged with securing compliance with information rights legislation. As Information Commissioner, I am responsible to Parliament for the effective regulation of this increasingly significant dimension of modern life.

Looking ahead, the ICO itself is changing to meet the challenges of

- the fast moving environment in which we operate;
- developments in the business we regulate;
- the expectations of our customers and stakeholders;
- a more demanding legislative remit;
- increased powers backed by increased penalties; and
- the disciplines of a modern Better Regulation approach.

In response to all these challenges, the Information Commissioner's Office has reviewed and refreshed its Mission, Vision and Values to

focus the organisation on the task ahead. We have also outlined in this document a three year view of what we need to do to deliver our mission and achieve our vision – upholding information rights in the public interest. We are now seeking comments on our proposals to make sure we are measuring up to the expectations of our stakeholders.

Christopher Graham
Information Commissioner
and Chief Executive, ICO

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Our mission

The ICO's mission is to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Our vision

By 2012 we will be recognised by our stakeholders as the authoritative arbiter of information rights, delivering high-quality, relevant and timely outcomes, responsive and outward-looking in our approach, and with committed and high performing staff – a model of good regulation, and a great place to work and develop.

Our values

We are:

- **Committed**

We care about upholding information rights.

- **Team workers**

We work together as one ICO team, sharing information and expertise.

- **Focused**

We give priority to activities that make the biggest contribution to achieving our mission.

- **Effective**

We work productively and efficiently to produce high quality and timely outcomes, offering best value for customers and citizens.

- **A model of best practice**

We do not ask others to do what we are not prepared to do ourselves.

- **Alert**

We are alert to the perspectives and needs of all our stakeholders – and to the potential impact of new developments in our business.

- **Fair**

We treat everybody we deal with fairly and with integrity and respect. We are inclusive in our approach.

- **Always learning**

We are always learning and developing professionally.

Who? What? Where? Why? How? When?

The detail of the ICO Corporate Plan for 2010 – 2013 emerges from a consideration of the following:

- Who our customers, partners and stakeholders are and what they expect from the ICO
- What services and developments we plan to offer over the next three years
- Where information rights are to be upheld, including new services and applications
- Why the ICO's plans will make a difference
- How we intend to deliver our services
- When we will phase the different initiatives

Who?

As a regulator, the ICO is both an enforcer and an educator. Over the next three years the ICO will be most prominent in its role as educator. That is not to say that we will not also be an effective enforcer. In fact being an effective educator is key to enforcing compliance successfully. There remains a significant job of communication to be done to support individuals' understanding of their information rights and to ensure that organisations understand their obligations. High awareness of rights and responsibilities in the information age is our aim. We will be tough and effective in enforcing the law – but that job will be made easier for everybody if there is better awareness of opportunities, threats, risks and rewards, among citizens and consumers on the one hand and public bodies and private companies on the other.

This is how we see our customers, partners and stakeholders and their broad expectations of the ICO:

Customers, partners and stakeholders	ICO as educator	ICO as enforcer
Citizens Consumers Data subjects Freedom of information requesters	Awareness of rights and responsibilities Information Enquiries	Complaints resolution
Organisations	Good practice	Compliance

Public authorities Data controllers Data processors	Guidance Learning from cases Audit	Notification under the Data Protection Act Enforcement Penalties
Policy makers <ul style="list-style-type: none"> • Whitehall • Devolved administrations • Brussels • International 	Feedback from casework informing policy input	Influencing shape of future regulation Delivering safeguards for individuals

What?

To meet the expectations of our customers, partners and stakeholders we aim, over the next three years, to deliver a high quality service, introducing developments and improvements. The broad aims are set out on pages 6-14.

Where?

Our responsibilities extend across a growing field of activity. New developments in technology and communications enable public bodies to be more accountable, but may also pose fresh challenges to privacy and data security. The ICO needs to be alert to new applications and services – and to be at the forefront of debates about information rights.

Why?

We have chosen our priorities so as to maximise our effectiveness, focusing on what will make the biggest difference – selective to be effective. Our aim is a society in which information rights and responsibilities are respected by all – and the ICO will play a key role in the advance towards that goal.

How?

The ICO is changing to be able to deliver our objectives. We summarise how we will do things differently on page 15-17.

When?

We set out a three year programme of work on pages 18-22.

The ICO way

We shall adopt a rounded approach to safeguarding information rights.

Our data protection and freedom of information responsibilities may to some extent be seen as different sides of the same coin. Certainly there are advantages to be secured from a more integrated approach to our work, although we must be careful not to lose knowledge and expertise around the specific requirements of the different regimes¹.

We shall aim to relate better, as one ICO, to stakeholders who are themselves managing information systems, records management, data protection and freedom of information compliance as a single information function.

Education

Our aim is to reduce the number of times organisations get information rights wrong in the first place (under either the data protection or freedom of information regimes) by being more proactive and imaginative in communicating with organisations as to their responsibilities under legislation.

- Using information from complaints, enquiries and audits to better identify what is going wrong and to inform our targeting of communications;
- Better targeting and organising our guidance so it meets the needs of those in the workplace;
- Using a refreshed ICO website to help get the message across more efficiently and effectively;
- Targeting messages and campaigns so that good practice is seen as standard, eg developing case studies, publishing summaries of data protection decisions etc;
- Working with partners, eg representative groups and trade associations, as a means of better getting good practice messages across to organisations and companies;

¹ The Freedom of Information Act 2000 applies to public authorities in England, Wales and Northern Ireland and to UK organisations in Scotland. Devolved bodies in Scotland are subject to the Freedom of Information (Scotland) Act. The Information Commissioner works closely with the Scottish Information Commissioner, but it is the case that most of the UK Information Commissioner's responsibilities North of the border relate to data protection and not freedom of Information.

- Exploring ways of acknowledging good practice and commitment, balancing negative enforcement messages with more positive news about what works.

Enforcement

We shall make early and effective use of our new data protection powers to undertake audits, and to impose civil monetary penalties on data controllers who seriously get it wrong.

- We have set up a new Good Practice department which will adopt a risk based approach to conducting audits. It will be led and staffed by trained auditors.
- We will ensure organisations are aware of the fact that they will be subject to monetary penalties if they fail to comply with data protection principles. We will impose our first civil monetary penalties, in accordance with our new statutory guidance, in a timely manner and at a level that is proportionate to the breach and that commands public confidence.

When things do go wrong, we shall aim to respond promptly and proportionately to members of the public who are concerned about their rights under both data protection and freedom of information legislation, recognising that we need to target resources on the biggest risks and have to tailor our approach accordingly.

- We shall aim to reduce the time it takes for us to deal with complaints so that 90% of freedom of information complaints to the ICO are completed within six months and 90% of data protection complaints are completed within three months.
- We shall use information from complaints and enquiries to better inform our targeting of audits and formal enforcement action.

Operations

We aim to deliver an efficient and effective end-to-end operational process, where customers, partners and stakeholders receive a timely and responsive service, appropriate to their requirements.

Customer contact

- A new department that will bring together the work of the existing notification and front line operations teams and helplines.
- The first point of contact for anyone with a concern about information rights, or issues relating to notification.

We aim to:

- Provide
 - high quality answers to all telephone enquiries at first contact;
 - a comprehensive answer to written enquiries in a single response;
 - an early resolution to complaints where in-depth investigation is not needed; and
 - an efficient service for those who need to notify under the Data Protection Act.

Complaints resolution

We aim to process casework promptly and thoroughly, despite a growing demand for our services. For example, in the first nine months of 2009-10 we significantly reduced the number and age profile of unresolved freedom of information cases. Despite a 21% increase in complaints to the ICO, we closed 43% more cases in the first nine months compared with the same period in the previous year.

Over the next three years we shall

- Set appropriate turnaround targets for complaints and manage the caseload against them, reducing our live caseload to a level that allows us to deliver these targets
- Review our procedures to promote the most effective processing of cases

- Work with partners to ensure that delays are minimised at every stage of the process.

On freedom of information specifically, we shall

- Deal with cases proportionately, prioritising the most significant cases, and setting out our decisions with an appropriate level of detail.
- Insist on timely responses from public authorities
- Make appropriate use of Information Notices
- Simply order the publication of material of low-level sensitivity if it appears to us that a public authority is not engaging with our enquiries.

On data protection, we shall

- Move towards publication of case stories to promote compliance
- Identify cases that might involve us using our new powers at an early stage.
- Continue to provide practical, easy to understand, advice to individuals

Good Practice

Currently, we

- Undertake a limited programme of data protection audits with the consent of the organisation being audited
- Carry out data protection spot checks on government departments.²
- Monitor compliance with freedom of information publication scheme requirements
- Offer support and guidance to organisations that are failing to fulfil their information rights obligations across both freedom of information and data protection.

Over the next three years we shall

- Implement a greatly expanded programme of audits to promote good information rights practice across all sectors

² Spot checks were announced by the Prime Minister in Parliament on the 21 November 2007

- Make use of our data protection assessment notice power to undertake compulsory audits in government where the circumstances warrant it
- Make the case for the power to audit without consent (under the Data Protection Act) being extended to the rest of the public sector and to private sector entities where non-compliance suggests it is needed
- Join up our data protection and freedom of information work so that public authorities are presented with a clear ICO view of information rights
- Pursue organisations that persistently fail to come up to scratch in meeting their information rights responsibilities.

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Enforcement

Currently, we

- Use our enforcement powers to deliver compliance with the law where the level of information rights risk requires it
- Investigate and prosecute those who commit criminal offences
- Work with stakeholders to stamp out the unlawful trade in confidential personal information
- Publish the outcomes of our enforcement activity.

Over the next three years we shall pursue a balanced and transparent approach to the use of all our enforcement powers and

- Implement the new regime of data protection civil monetary penalties promptly and proportionately
- Continue to press for the availability of a custodial penalty for breach of section 55 of the Data Protection Act by individuals³
- Ensure that we are as open as possible about the use of our powers and that action we take acts as a deterrent to others
- Continue to ensure data controllers comply with their legal obligation (under the Data Protection Act) to notify with the ICO and pay the correct fee.

³ Sec 55 of the Data Protection Act deals with knowing or reckless breaches of the data protection principles

Policy

Policy and Strategy delivery

Currently, we

- Produce clear and practical guidance and codes of practice
- Develop tools to help organisations achieve positive information rights outcomes eg privacy impact assessments
- Strive to achieve a high standard of consistency and quality in our freedom of information decisions
- Take a responsible approach in defending our decisions in the General Regulatory Chamber (formerly the Information Tribunal) and the courts.

Over the next three years we shall

- Seek to ensure high quality and consistent decision making across all ICO work
- Put the best ICO case before the General Regulatory Chamber and the courts
- Develop our technical expertise and ensure that this informs our policy making
- Review our published guidance to ensure that it is up to date, that it forms a coherent package and that gaps are filled
- Use management information to inform the production of our guidance, and explore the most relevant channels for it to reach our target audiences

Strategic liaison

Currently, we

- Use our influence to promote good information rights practice.
- Develop and maintain productive working relationships with key stakeholders.
- Scrutinise and provide input into new legislation.
- Advise on developments that impact on information rights.
- Work internationally to promote effective and practical cross border solutions to information rights risk.

Over the next three years we shall

- Prepare for changes to the freedom of information regime, arguing for an extension of the ICO's remit across a wider range of service providers under section 5 of the Freedom of Information Act.

- Closely monitor and respond to developments around surveillance, privacy and security
- Liaise with partners and stakeholders on new and challenging issues as they arise.
- Revise our stakeholder strategy so as to put our resources into the areas of greatest priority, and utilising partnerships to help meet our objectives
- Stay abreast of developments particularly in technology and systems so as to offer an informed perspective on their regulation
- Continue to work with our stakeholders in Scotland, Wales and Northern Ireland to ensure information rights are delivered in ways which recognise the particular local context
- Input into debates on the future shape of regulation in Whitehall and Brussels, eg through active membership of the Art 29 Working Party.

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Communications

Effective communications are key to securing compliance.

Currently

- Public awareness of information rights is high
- Organisations' awareness of their duties is high when prompted, but low when not.
- Public confidence in the handling of information has stayed reasonably consistent over time
- Awareness of the ICO as the enforcing authority is reasonable.

Over the next three years, we shall

- Develop further our website www.ico.gov.uk as our key information platform
- Roll out a new corporate identity
- Further establish our online presence, using appropriate new media to contact key audiences
- Develop an in-house press office capability
- Refresh our Stakeholder Strategy
- Run targeted campaigns to raise awareness of rights and responsibilities, including programmes to reach young people.

How?

The ICO will seek to deliver its programme by doing things differently and better in five main areas of activity

- Direction
- People
- Knowledge
- Resources
- Governance

Direction	Develop clear and specific business plans for all ICO activities, with SMART objectives
	Better focus ICO activities so as to deliver measurable results that make a difference
	Re-structure the ICO to deliver a more integrated approach to information rights generally ⁴
	Prioritise more active management of people, teams, quality and productivity
	Manage across a matrix of line management and professional responsibilities
People	Recruit and retain the best available talent, whether specialist or generalist, against a background of public sector pay restraint.
	Give priority to developing and training our people through a talent management strategy and an ambitious training programme
	Progressively integrate freedom of information and data

⁴ See Appendix for the new ICO organisational structure

	protection work, developing multi-skilled teams
	Safeguard and promote equality and diversity at the ICO
	Encourage community involvement and volunteering that builds teams
Knowledge	Develop means of better sharing knowledge across the organisation
	Pursue a more integrated approach to information rights across both data protection and freedom of information
	Learning from casework, be alert to emerging issues and priorities
	Introduce a Balanced Scorecard of Key Performance Indicators
	Develop skills in-house in technology, IT, and press office
Resources	Secure the income necessary for an expanding ICO and drive best value from efficiency
	Establish the Wilmslow Head Office operation on a single site
	Modernise the working environment
	Manage the introduction of better IT
	Progressively reduce the ICO's carbon footprint
	Champion the independence of the ICO

Governance	
	Review decision making at the ICO and the role and number of ICO committees
	Work with four new Non-Executive members of Management Board
	Introduce a greater independent element into Audit Committee
	Monitor the attitudes and awareness of staff, stakeholders and customers
	As a model of best practice, ensure we have the right systems and resources in place to enable us to comply efficiently with information rights legislation

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When?

We aim to phase these activities and developments over the three years 2010 – 2013 as follows:

	2010 - 11	2011 - 12	2012 - 13
Strategy			
Mission, Vision and Values	Promote the Mission, Vision and Values	Measure the impact of the 2012 Vision internally (staff survey)	Measure the success of the 2012 Vision externally (stakeholder perception survey)
Restructuring the ICO	Complete the restructuring of ICO across Policy, Operations and services	Embed greater integration, knowledge sharing and productivity	Review effectiveness of structure
Policy			
Knowledge sharing	Review ICO information sharing and co-ordination	Promote maximum information sharing and co-ordination	Monitor information sharing and co-ordination
Acknowledging success	Develop ways of acknowledging good practice by data controllers and public authorities	Implement ideas for celebrating good practice and commitment	Monitor impact of celebrating good practice
Looking ahead	Appoint ICO technology specialists	Undertake work in preparation for any extension to the freedom of information remit	Provide guidance on mandatory breach notification for the electronic communications sector
Operations			

	2010 - 11	2011 - 12	2012 - 13
Audit	Good Practice department to deliver rolling programme of audits	Expand programme of audits	Make the case for audits of private sector businesses/sectors as necessary
Penalties	Establish robust procedures and levy first civil monetary penalties	Operating a system of monetary penalties that commands public confidence and is an effective deterrent	Aim to be able to demonstrate having severely impacted the illegal trade in personal confidential information
Caseload	Further reduce our total caseload of overdue investigations	Manage caseload to tight turnaround targets	Manage increased levels of business without falling behind
Procedures	Review procedures to reduce delays while safeguarding quality	Fully implement procedures to reduce delays while safeguarding quality	Continuous review of procedures with the aim of continuous improvement
Robust approach to public authorities	Promote the ICO's tougher approach	Use Information Notices where appropriate	Review impact of robust approach
Data protection case work	Move towards publication of 'case stories'	Use 'case stories' to promote good practice	Explore opportunities for alternatives to ICO casework
Scotland, Wales and N Ireland	Promote ICO presence to the devolved authorities	Develop the ICO presence in Scotland, Wales and N Ireland	Review operations in Scotland, Wales and N Ireland
Resources			

	2010 - 11	2011 - 12	2012 - 13
Accommodation	Complete the accommodation project by moving Wilmslow based staff onto one site	Exploit the new potential for 'agile' working.	Review experience of 'agile' working
IT	Appoint a Head of IT to lead planned programme of development	New casework and notification systems deliver improved efficiency and effectiveness	Review effectiveness of IT
Environmental impact	Progressively reduce the ICO's environmental impact against agreed targets	Further reduce the ICO's environmental impact	Further review the ICO's environmental impact
Corporate Affairs			
Press Office	Bring Press Office in house	Develop press coverage	Review impact and effectiveness of in house Press Office
Corporate identity	Roll out new corporate ID	Promote new look ICO	Review impact and effectiveness of corporate ID
ICO website	Plan new website	Launch new website	Monitor impact of new website
Stakeholder strategy	Refresh stakeholder strategy	Follow refreshed stakeholder strategy	Review stakeholder strategy
Targeted	Young people	Young people	Young people

	2010 - 11	2011 - 12	2012 - 13
communications campaigns	Citizens Practitioners Stakeholders	Citizens Practitioners Stakeholders	Citizens Practitioners Stakeholders
Market research programme	Annual Track Customer satisfaction (organisations)	Staff survey Annual Track Customer satisfaction (individuals)	Stakeholder perception survey; Annual Track Customer satisfaction (organisations)
Organisational Development			
Talent Management	Implement our Talent Management Strategy	Monitor Talent Management Strategy	Review Talent Management Strategy
Pay and reward	Continue to review and improve our pay and reward package to ensure that we attract and retain staff	Manage within constraints of anticipated tight public sector pay policy	Anticipate a further year of pay constraints
Equality and diversity	Develop and publish our single equality scheme	Monitor single equality scheme in action	Review progress on equality and diversity
Management			
Management and leadership development	Implement a tailored management and leadership development programme	Encourage more active management of team and individual performance	Review the effectiveness of leadership and management
Balanced Scorecard	Design and introduce Balanced Scorecard	Operate Balanced Scorecard	Review Balanced Scorecard
Business	Review	Introduce new	Monitor new

	2010 - 11	2011 - 12	2012 - 13
planning	business planning	business planning process	business planning process
Governance			
ICO's constitutional status	Review ICO's sponsorship arrangements	Possible legislation for direct reporting to Parliament	Review accountability mechanisms
Governance	Review governance arrangements	Implement new governance arrangements	Monitor new governance arrangements

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The measures

We propose the following key performance indicators to measure our success in meeting this plan:

- A reduction in the length of time it takes us to deal with data protection and freedom of information complaints.
- A rise in stakeholders' rating of the overall performance of the ICO (Stakeholder Perceptions Study; 2008: 71% good/very good)
- Maintain organisations' spontaneous awareness of the ICO as the enforcing authority for data protection and freedom of information (Annual Track; 2009: 59% and 81% respectively)
- A rise in customers' overall rating of the ICO quality of service (Customer Satisfaction Survey; 2009: individual complainants and enquirers rating us excellent, good, very good: 55%)
- A rise in stakeholders' rating of the ICO's performance on policy development (Stakeholder Perceptions Study – four measures: willingness to engage in stakeholder policy development, quality of contribution, willingness to engage in ICO policy development, timeliness; 2009: 65%, 62%, 54% and 38% respectively)
- A rise in staff engagement index (Staff survey; 2009 engagement index: 56%)
- Maintain individuals' prompted awareness of information rights (Annual Track; 2009: 91% for data protection, 85% for freedom of information)
- Organisations' spontaneous recall of the main data protection and freedom of information obligations (Annual Track - question currently under review)

Organisational structure

