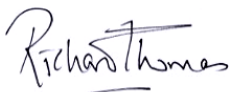


Introductory Statement by the Information Commissioner

1. This Equality Scheme was initially prepared for my predecessor in the role of Information Commissioner. I became Information Commissioner in December 2002 and can confirm that I intend to ensure that the same priority and resources are allocated to these important duties.
2. A full explanation of my functions is set out in section 2.
3. Section 75 of the Data Protection Act 1998 states that (subsection to subsection (6) – which deals with amendments, repeals or revocations of various enactments and instruments), ‘the Act extends to Northern Ireland’.
4. In July 2000, the Office was requested to prepare an Equality Scheme and submit it for approval to the Equality Commission for Northern Ireland. The request was made in accordance with Schedule 9, paragraph 3(1) (a) of the Northern Ireland Act 1998.
5. This Scheme has been prepared to set out the steps which the Information Commissioner’s Office already takes, or plans to put in place, to ensure that any functions, powers and duties which are carried out in Northern Ireland are done in a way which complies with its duties under section 75 of the Northern Ireland Act 1998.
6. Section 75 of the (Northern Ireland) Act requires the Office, in carrying out its functions relating to Northern Ireland, to -
 - *have due regard to the need to promote equality of opportunity –*
 - *between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;*
 - *between men and women generally;*
 - *between persons with a disability and persons without; and*
 - *between persons with dependants and persons without.*
 - *In addition, without prejudice to the obligations above, in carrying out its functions relating to Northern Ireland to have regard to the desirability of promoting good relations between persons of different religious belief, political opinions or racial group.*

7. I am committed to ensuring that all the functions of my Office which are conducted within, or have a potential impact in, Northern Ireland, are carried out in a manner which complies with the requirements of section 75 of the Northern Ireland Act 1998.
8. My Director of Personnel and Finance, Michael Duffy, who is a member of my Management Board, holds the operational responsibility for production of an Equality Scheme, for seeking the views of interested parties, and modifying it as necessary in line with the responses received. Mr Duffy continues to have the operational responsibility for monitoring the Scheme, and for ensuring that it is reviewed on an annual basis, or immediately in the event of any problem arising in connection with it.
9. I am committed to ensuring that the necessary resources are provided to assure me that any actions of my Office are in line with this Statement, and to ensure that all staff, and any others who may carry out functions on my behalf, are made aware of its requirements and comply with them.
10. I am committed to the development and delivery of a planned programme of communication and training on the Equality Scheme to ensure that all those who are asked to act on my behalf
 - are aware of the Scheme,
 - are aware of the responsibilities it places upon them, and
 - know how it impacts on the work they are asked to do.
11. I am also committed to the following
 - to consider any comments received on the Scheme in the future,
 - to ensure that there are effective internal arrangements in place to ensure that the duties, including monitoring and reviewing of policies, are effectively complied with
 - to keep it under review, and
 - to report on any developments in connection with it on a quarterly basis.

Richard Thomas



**Information Commissioner
December 2003**

INFORMATION COMMISSIONER

(Formerly the Data Protection Commissioner)

Northern Ireland – Section 75 of Northern Ireland Act 1998

June 2002

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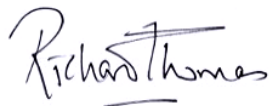
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Richard Thomas

A handwritten signature in black ink that reads "Richard Thomas". The signature is written in a cursive style with a horizontal line underneath the name.

**Information Commissioner
December 2003**

2. Background

2.1 Information Commissioner's Office

23. Elizabeth France became Information Commissioner on 30 January 2001, the first to be appointed. The Information Commissioner promotes and enforces observance with two Acts.
24. The Data Protection Act 1998, which came into force on 1 March 2000, sets rules for processing personal information and applies to some paper records as well as those held on computers.
25. The Freedom of Information Act 2000 gives a general right of access to all types of 'recorded' information held by public authorities (and those providing services for them), sets out exemptions from that right and places a number of obligations on public authorities.
26. The Commissioner's interpretation of the law, particularly where it relates to the right of privacy, will take full account of the provisions of the Humans Rights Act 1998, which came into force on 2 October 2000. The Commissioner's decisions are subject to the courts and the Information Tribunal.
27. The Information Commissioner's Office is not a typical Non-Departmental Public Body. The Commissioner is appointed by Her Majesty the Queen and is an independent officer who reports directly to Parliament. The Commissioner's powers and responsibilities are set out in the Acts administered, with the aim of ensuring that the Commissioner is, and is seen to be – independent.
28. The Commissioner has a single office in Wilmslow in Cheshire, which deals with data protection matters for the whole of the United Kingdom. Freedom of information issues for England, Wales and Northern Ireland come under the Office's jurisdiction; in Scotland it is currently proposed that devolved freedom of information will be dealt with by their own Commissioner.
29. The Commissioner has a range of duties including the promotion of good information handling and the development of codes of practice. The Commissioner has obligations to assess alleged breaches of the Acts, and reports annually to Parliament on the exercise of her functions. Internationally, the Commissioner represents the United Kingdom on European Union, and international authorities.

2.2 The Duties of the Information Commissioner

2.2.1 Data Protection Act 1998

30. Under the Act, the Commissioner is required to:

- Promote good practice and compliance with the law by data controllers.
- Promote and give advice on data protection.
- Introduce or encourage the introduction of codes of practice, as appropriate.
- Compile a register of all those data controllers who are not exempt from the provisions of the Act or who have given notification under Section 18.
- Process requests for assessments of compliance with the Act.
- Lay annual reports before Parliament.

31. To assist the Commissioner in meeting these aims, he has powers to:

- Prosecute for criminal offences contrary to the Act.
- Enforce compliance with the eight data protection principles of good practice.

32. The Commissioner is also responsible for:

- Ensuring compliance with the Data Protection Telecommunications Regulations.
- Administering the subject access rights of data subjects previously arising from the following Acts:
 - Consumer Credit Act 1974
 - The Access to Personal Files Act 1987
 - The Access to Health Records Act 1990
 - The Education Reform Act 1988
 - Corresponding legislation for Scotland and Northern Ireland.

2.2.2 Freedom of Information Act 2000

33. The Commissioner has analogous powers, obligations and restrictions to those of the Data Protection Act 1998. Under the Freedom of Information Act, the Commissioner is required to:

- Promote and give advice about the Act.
- Promote good practice and public authorities' compliance with the law, and their codes of practice.
- Approve and assist in the preparation of publication schemes.
- Provide information as to the public's rights under the Act.
- Make decisions in response to complaints about failure to disclose information.
- Lay annual reports before Parliament.

34. The Commissioner has powers to:

- Make recommendations on how public authorities comply with codes of practice.
- Enforce compliance with information and decision notices.
- Prosecute for criminal offences contrary to the Act.
- Lay other reports before Parliament as he thinks fit.

2.3 Mission of the Office

35. The mission of the Information Commissioner's Office is set out below –

We shall develop respect for the private lives of individuals and encourage the openness and accountability of public authorities:

- **by promoting good information handling practice and enforcing data protection and freedom of information legislation; and**
- **by seeking to influence national and international thinking on privacy and on information access issues**

2.4 Corporate Aims

36. The Office has set out a number of aims to further its mission and the fulfilment of its statutory duties. The aims are complementary, not hierarchical, and their fulfilment is dependent on the Office constantly increasing its efficiency and effectiveness.

37. The Aims are to:

- Ensure that the statutory duties placed upon us are met. To do this efficiently and effectively, we aim to be an organisation responsive to change and ready to manage risk in a way which will allow the resources available to us to be best used.

- Ensure that policy makers give appropriate weight to individuals' rights.
- Ensure that those who handle information both in the public sector and in the private sector are aware of their obligations and act accordingly.
- Ensure that individuals are aware of their rights to information, and feel confident that those rights are respected and can be exercised.

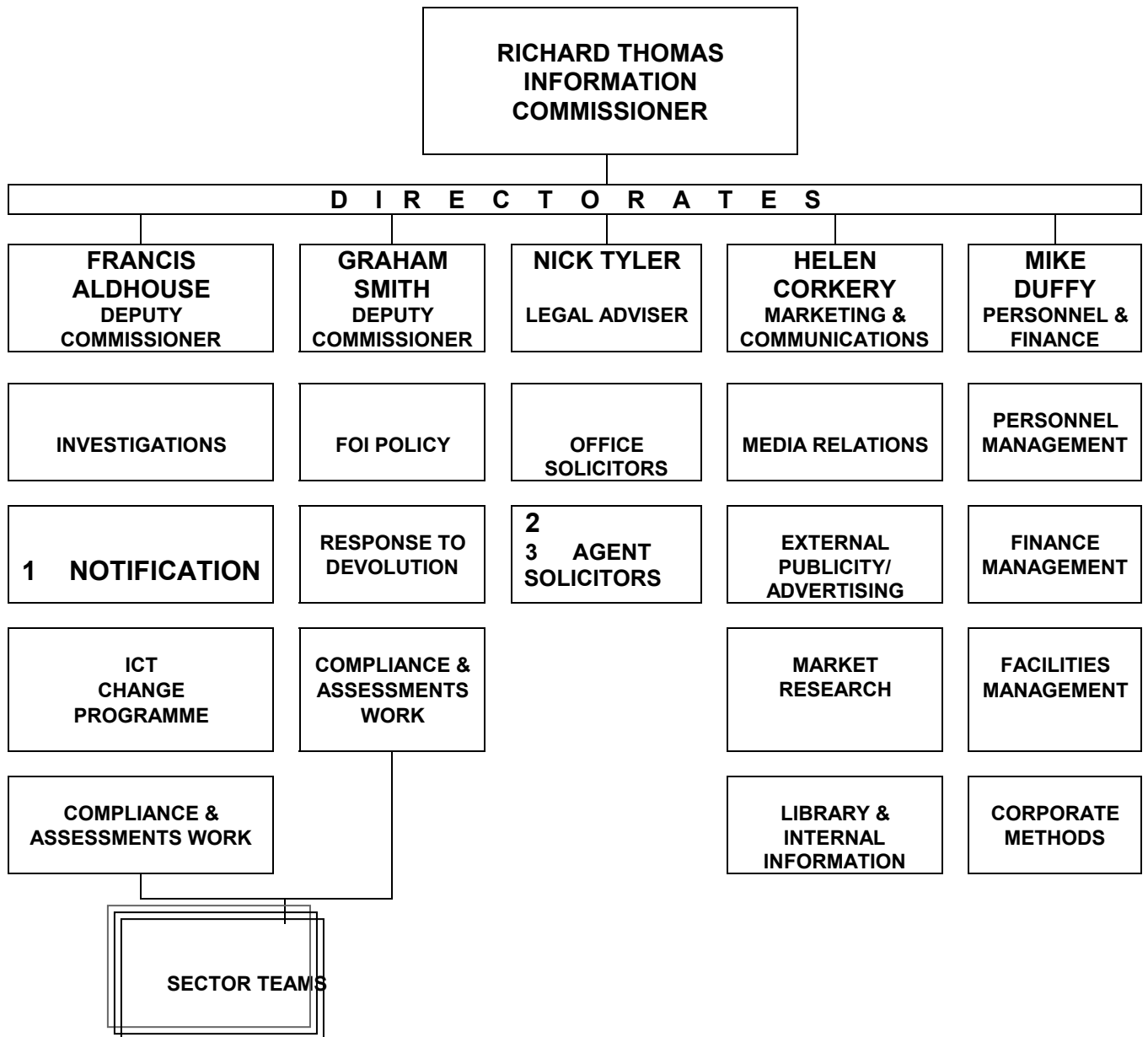
2.5 Office Location

38. We have found identifying the relevant groups who should be consulted, or might have a particular interest in being consulted, on our policies an extremely difficult area. The Office provides services to those who need them and advice to those bound by the Act's provisions, but the lack of a permanent presence within Northern Ireland means that we have not had any regular contacts with local or community groups or bodies there. This has made it extremely difficult for us to identify groups who have a particular interest in the work of the Office or the Office's impact on equality of opportunity or in promoting good relations.
39. The Office has taken on additional statutory responsibilities with the introduction of provisions of the newly enacted Freedom of Information legislation at the end of January 2001. Those additional responsibilities and the need to determine the appropriate way for the Office to respond to devolution means that the need for a permanent presence is now being reassessed.
40. An assessment of the impact that our policies have and the positive aspects that the introduction of an established presence could produce would be one of the first priorities in any move that resulted in the establishment of a permanent presence. A full consultation process with a range of bodies will be essential to our determining the size and location of that presence and the roles it will perform. Our current thinking is that, although the resolution of issues within Northern Ireland will be its main priority, its role need not be restricted only to that, and the various responsibilities which it could take over will be guided by the effects which the various options might have in terms of promoting equality as set out in the Scheme.

2.6 Organisation Chart

INFORMATION COMMISSIONER'S OFFICE

ORGANISATION CHART



3. Assessment and consulting on section 75 duties

3.1 Overall responsibility

41. Michael Duffy, the Commissioner's Director of Personnel and Finance, has responsibility for all aspects of the Office's section 75 duties.

42. In this role, his responsibilities include

- Ensuring that all members of staff are aware of the Scheme and the statutory duties with which it is concerned.
- Monitoring the performance of the Scheme throughout the Office and dealing with any issues raised in connection with it.
- Being the point of contact for anyone affected by the Scheme
- Drawing up and arranging consultation on the initial draft Scheme.
- Providing a report on progress for inclusion in the Plans and Annual Report.
- Producing a quarterly report on progress for consideration at a formal Management Board meeting.
- Preparation of an annual report on the progress made in implementing the arrangements specified in the Equality Scheme and in complying with the statutory duties on the section 75 duties, for consideration by the Management Board. The report will contain a note of any policies screened, a timetable for impact assessments and an explanation for any policies 'screened out' of the process.
- Submission of the approved report to the Equality Commission.
- Ongoing liaison with the Equality Commission to ensure that progress is maintained.
- Dealing with any complaint or enquiry relating to the Scheme, or any aspect covered by it

- Ensuring that the requirements of the section 75 duties are covered within the Aims, Objectives and Milestones set out in the Commissioner's Annual Corporate and Business Plans and that any targets are cascaded to individuals as illustrated in the extract from the planning document set out below.

The work of the Office cascades through a series of steps from its mission to each individual's contribution, as shown

Mission statement

What the Office is here to do

Aims

How it achieves its **mission**

Objectives

Progress against **aims** in the next three years

Milestones

Progress against **objectives** in the first year

Team targets

Departmental inputs to **milestones**

Individual Contributions

A work plan agreed in staff development reviews to contribute to **targets**

43. Any comments, complaints or enquiries concerning the Office's compliance with the section 75 duties should be addressed to Mr. Duffy. Comments may be directed to him by mail at the address given at the end of this document, by phone to 01625 545700, by fax message to 01625 524510, or by e-mail to mike.duffy@ico.gsi.gov.uk

3.2 Consultation obstacles

44. We have encountered a number of difficulties in the process of consultation on the Draft Scheme. These have included -

- The lack of a permanent physical presence within Northern Ireland
- The specialised nature of the work of the Office
- The limited regular contact that we have with bodies within Northern Ireland
- The fact that we have no staff who have regular contacts or specific dealings exclusively related to Northern Ireland.
- The identification of bodies that would have particular interest in the work that we do
- The number of schemes already in existence and the resultant heavy workloads already being borne by bodies that we have approached

3.3 Consultation methodology adopted

45. In relation to matters relevant to the duties, the Office intends to consult the Equality Commission, the Community Relations Council and those bodies listed in paragraph 82 below, whose views were sought on the initial draft of the Equality Scheme. The list is not exhaustive, and will be amended in the light of experience.

46. We have spoken to those organisations with which we have had contact, and have sought advice from the Equality Commission and others whom we have contacted whilst preparing the draft scheme, and sent copies of the initial draft to the bodies listed in paragraph 82 below.

47. Aware of the difficulties that those bodies might face in responding to our requests, along with the draft we also included the following information

- Information on Data Controllers' obligations under the Data protection Act 1998
- Information for individuals on their rights under the legislation

- A response card that gave the option of contacting us for further information, or for providing preferred individual, time and method of contact details for us to contact the organisation
- A reply paid envelope for return of the response card

48. We asked for responses within two months but provided an option on the response card for bodies to reply to ask for more time if they had decided that they wished to respond but did not feel that they would be able to in the period suggested.

3.4 Consultation responses

49. The majority of those whom we contacted did not return the response card. Several responded to say that, because of the requests made by others and the lack of resources available to them, they would not be able to comment on our scheme. One said that they had no substantive comments to make, one explained that, although they were interested in our scheme and had dealt with the office on another matter, they did not feel that it would be appropriate for them to respond.

50. Just before the end of the consultation period mentioned in the first letter, we sent a second letter to those who had not responded at all and asked them to let us know if they were planning to respond. We followed up several of these letters with telephone calls.

51. We received substantive comments from two bodies to which we had sent the draft scheme. The key points from each of the responses are summarised below

52. The Northern Ireland Council for Ethnic Minorities (NICEM) set out their comments in three main sections.

- The first of these provided general comments on draft equality schemes that they had developed, based on their examination of the ones that had been sent to them for comment.
- The second section covered specific points on our draft scheme.
- The third consisted of a detailed checklist for public authorities when revising their draft schemes.

53. On our draft scheme –

- They welcomed the additional information we had incorporated on the work of the Office which they had found particularly useful.

They pointed out that -

- We should name those with particular responsibilities within the Office, and list those bodies that we had consulted.
- We should list the policies subjected to impact assessment and the need to look at proactive promotion of equality of opportunity, not simply at the potential for adverse impact.
- It would be better if the scheme headings and order matched more closely those in the guidance issued by the Equality Commission.
- More specific information should be provided on monitoring, publishing information, training and in the timetable for the future.

54. They acknowledged the difficulties we might have had in consulting, and provided a list of individuals and groups whom they thought might be interested in future consultation exercises.

55. The second detailed response was received from the Northern Ireland Committee, Irish Congress of Trade Unions.

56. They made a number of the same points as NICEM. They commented specifically that more detail was needed on –

- The policies considered or not included for impact assessment and why
- The planned screening and consultation process
- The individual responsibilities for dealing with and reporting on the statutory duties
- Training, alternative formats for publications
- and particularly on how complaints might be raised, who would be responsible for them and how they would be handled

57. The comments received were very greatly appreciated, and were particularly helpful to us in that our location and distance from the bodies concerned have made it difficult for us to take the steps which others based within Northern Ireland would have found beneficial in eliciting responses.

3.5 Actions taken and planned

58. We have made significant amendments to the draft scheme on the basis of those comments, incorporating much more detail on the consultation carried out and on the screening procedures adopted for assessing our policies.
59. A copy of the Scheme, including any amendments made to it as a result of the comments made by those who responded to the consultation will be forwarded to the Equality Commission.
60. The Scheme will be kept under review and will be amended as necessary as a result of any impacts carried out or in response to additional comments made by those involved in the consultation or who come into contact with us in our dealings within Northern Ireland. The latest copy of the Scheme will be available on the website.
61. An annual report using the template provided by them explaining the progress we have made in meeting the section 75 duties will be forwarded to the Equality Commission, and we shall continue to liaise with them to ensure that satisfactory progress is maintained.

4. Monitoring any adverse impacts of policies

4.1 Policies included

62. Before drawing up an initial Draft Scheme, the Office carried out a first initial review of its procedures and policies in line with its duties under the Northern Ireland Act 1998.
63. The policies and procedures that cover the work of the Office fall into the following broad categories -
- Accounting
 - Assessments handling
 - Change Programme
 - Education and Awareness
 - Employment
 - Facilities
 - Investigations
 - Legal Advice
 - Notification
 - Policy Advice
 - Prosecutions and Enforcement

64. We have no physical presence in Northern Ireland, so have concluded that our policies to do with property matters (in terms of buildings or equipment) should not be included in the policies assessed for impact. Although we do not recruit or employ staff there, on the advice of the Equality Commission, we plan to include our employment policies (recruitment, appointments, terms and conditions) within the screening process.

65. The remaining policies are applied to all those who come into contact with the Office, irrespective of their location. We have assessed each of these policies, seeking evidence for or asking questions as follows -

- is there any evidence of higher or lower participation or uptake by different groups?
- is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy?
- is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with others in government or in the larger community?
- have consultations with relevant groups, organisations or individuals indicated that particular policies create problems that are specific to them?

66. On each, perhaps because of our distance from the areas and communities concerned, we have found no evidence to suggest that any of our policies has an impact on equality of opportunity, nor have we been alerted by anyone that any of our policies have an adverse impact on any particular sector of the Northern Ireland community.

67. Given their universal application, it was perhaps unsurprising that no evidence was found that any of these had impacted adversely on any of the groups set out in the Act. However, we realise that the additional statutory duties require us to look at these policies afresh in line with the advice given in the Guide to the Statutory duties produced by the Equality Commission and propose to continue with the additional aspects of the assessment of these in line with that guidance, and as explained in what follows.

68. The areas where we feel that we do need to seek further information are with regard to our policies on Education and Awareness, Investigation, Legal Advice and Policy Advice.

69. The three Belfast daily newspapers are included in the circulation of any press releases or notices circulated by the Office.

70. Although from our review, we have concluded that none of our policies has a currently identifiable impact on equality of opportunity that would require a fuller impact analysis to be carried out, we consider that the duties require us to carry out further consultation to ensure that those who have dealings with us share that view.
71. We have committed to do this and propose to send a copy of this finding and a list and summary of the policies concerned to those included in the list of consultees to solicit their views on that finding. The receipt of any information or views from those consulted might identify issues that have not been apparent to us from our relatively distant position. In that event, we propose to bring any such issues to the attention of those included in the initial consultation, and to reconsider how any items identified should be addressed.
72. In relation to future screening, we shall consult with those who have a legitimate interest in the subject matter. The steps involved in the process, a list of those consulted, the timetable associated with the process and the outcome of any screening process, a summary of comments received and a report on any changes or progress made as a result will be included in the annual report to the Equality Commission on the progress of the Scheme.
73. The same criteria and factors as those identified above will be applied when considering which new policies should be subject to impact assessment. These same arrangements will be applied when policies considered to have an impact are amended or where an amendment to a policy is proposed or being considered that might have such an impact. At that time, the range of groups and individuals consulted will be re-examined to ensure that those who could potentially be affected by any proposals, but who have not been included previously, would be added.
74. Any consultation that takes place on impact assessments, policies, proposed policies or amendments to existing policies will be conducted fully in accordance with the Guiding principles set out in the Guidance issued by the Equality Commission.
75. In conducting any impact assessments, the Office will comply fully with Annex 1 of the Guidelines on the statutory duties published by the Equality Commission.

4.2 Timetable for assessment

76. The Commissioner proposes to send a list of policies, a summary of their contents and an initial view of their impact, or otherwise, on the promotion of equality of opportunity within Northern Ireland within three months of approval of the proposals set out in the Scheme by the Equality Commission.

77. We now plan to assess each of those to assess whether there is anything within them that could be construed as discriminatory; we aim to complete that process **by the end of August 2002.**

78. Once we have made any amendments to remove any matters that we do identify, our next step will be to re-examine whether the formats and media through which they are made available could mean that some within the groups concerned are disadvantaged. We aim to complete that process, which could involve further consultation with groups **by the end of November 2002.**

79. Once we have completed stages one and two, we then plan to look at whether anything within those policies, our distribution of them, or our implementation of them could be changed to provide a positive impact on the work that we do in Northern Ireland. Work on this final phase will to some extent be governed by the findings from the earlier stages but we aim to complete that phase *by the end of February 2003.*

4.3 Consultation plans

80. This section relates to consultation on any matter relevant to the duties.

81. In carrying out these assessments, we plan to consult with those bodies who have responded to our initial consultation, those recommended to us by those who did as perhaps being particularly interested in the work we do, those who ask to be included, and any other bodies with whom we come into contact in the interim.

82. In carrying through the consultation process, we shall continue to solicit views on how we might improve the process both in terms of providing information, the method of consultation, whether it would be feasible to work with other bodies who have a permanent presence and with whom we might be able to identify some common interest groups.

83. The lack of a physical presence in Northern Ireland has meant that consultation to date has been carried out by means of written contact, with telephone follow-up.

84. We aim to continue that process but, to broaden it by specifically soliciting responses via the Internet. Then, particularly in the telephone follow-ups, to discuss with those bodies that wish to comment, what other methods they would find of benefit. Consideration will be given to what methods would be reasonable in particular circumstances, so methods used could include face-to-face meetings, advisory groups, surveys, consultative panels, Internet discussions, citizens juries and other innovative ways of consulting as there will be different means of consultation for different groups and it will be important to establish the basis for dialogue and engagement during the life of the Scheme.

85. Consultation on any aspects with groups and individuals will begin as early as possible so as to allow sufficient time for those organisations and individuals unfamiliar with the work of the Office sufficient time to consider the aspects concerned so as to ensure meaningful consultation.
86. Information will be made available in consultation with the affected groups, to remove any barriers to consultation to ensure the highest level of inclusivity in any decision-making. That information will be made available in accessible formats in time to ensure that those not fluent in English will be able to be fully involved in the consultation, a minimum consultation period of two months will be allowed for all who wish to participate.
87. Particular consideration will be given as to how best to communicate information to young people or people with learning difficulties. This could involve developing the work already done on 'Protecting The Plumstones'; fuller details of the work done to date on this are given in section 6 below.
88. In planning any consultation meetings, the Office will consider the time of day, the appropriateness of the venue, in particular whether it can be accessed by those with disabilities, how the meeting is to be run, the use of appropriate language, whether a signer is necessary and the provision of childcare, in order to ensure full participation.
89. The Office considers it particularly important that sufficient, timely and appropriate information is provided to enable all affected groups and individuals to consider the full implications of proposals, and it will take steps to ensure this.
90. The Office is responsible for the oversight of Freedom of Information legislation, and considers that it will need to take particular care to ensure that all qualitative, quantitative and other documentation, including consultants reports are made available in line with that legislation, in connection with all consultations.
91. Consideration will be given as to what training would be appropriate for staff of the Commissioner to ensure that the consultation process works to the benefit of all those covered by the statutory duties.
92. The Office intends to continue its work in relation to matters to do with the duties and in preparation of the Scheme. The following organisations will be consulted in relation to all matters relevant to the statutory duties -
- **Age Concern Northern Ireland**
 - **Association of Chief Officers of Voluntary Organisations**
 - **Carers National Association Northern Ireland**
 - **The Cedar Foundation**
 - **Children's Law Centre**
 - **Churches**
 - **Baptist church**

- **Church of Ireland**
- **Presbyterian Church**
- **Roman Catholic Church**
- **Coalition on Sexual Orientation**
- **Committee on the Administration of Justice**
- **Community Relations Council**
- **Disability in Action**
- **Employers' Forum on Disability**
- **Equality Commission**
- **Equality Forum Northern Ireland**
- **The Local Government Staff Commission for Northern Ireland**
- **Newry & Mourne Senior Citizens' Consortium**
- **North West Forum of people with Disabilities**
- **Northern Ireland Association for Mental Health**
- **Northern Ireland Committee, Irish Congress of Trade Unions**
- **Northern Ireland Council for Ethnic Minorities**
- **Northern Ireland Human Rights Commission**
- **The Northern Ireland Office**
- **Northern Ireland Statistics and Research Agency**
- **Northern Ireland Women's European Platform**
- **Political Parties**
- **Traveller Movement Northern Ireland**
- **Women's Information Group**
- **Youth Council for Northern Ireland**

93. The list of consultees is not exhaustive and may be amended in the light of experience.

5. Monitoring

94. During the initial impact assessment and consultation process, and hereafter, any policies that are determined to have a potential impact will be monitored to identify their impact on the groups covered by the legislation.

95. The monitoring will be effected by seeking additional information from individuals concerned which will enable us to assess whether any policy needs to be reviewed further.

96. Any impact assessment or monitoring information that is published will be made available in accessible formats, such as Braille, on disc or audiocassette, or in minority languages.

97. The efficacy of any such system will be reviewed on an annual basis, and our findings or conclusions will be included within the annual report submitted to the equality commission. Any significant findings will be published on the website and will be included in press releases which will be provided to the press, but

particularly to representatives of publications which we are advised will be most likely to reach groups covered within the regulations.

98. As part of the ongoing consultation and development process, any reports on or decisions with regard to monitoring, copies of relevant press releases - and supporting information as requested - will be sent to bodies and individuals who have responded to any consultation, or those groups particularly involved in the consultation process, in formats they have requested. Similar information will be provided to individuals on request.

99. The Office is committed to monitoring access to information and services to ensure equality of opportunity. Consideration will be given as to how best to monitor access to the Office's information and services to ensure that there are no barriers to access by any of the groups covered by the statutory duties. The consideration might involve the use of questionnaires, or seeking discussions with representative groups.

100. Where monitoring or evaluation suggests that a policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the policy will be revised.

101. Any published information on equality impact assessments will include –

- the aims of the policy to which the assessment relates
- details of any consideration given by the Office to measures which might mitigate any adverse impact of the policy on the promotion of equality of opportunity
- details of any consideration given by the Office to alternative policies that might better achieve the promotion of equality of opportunity.

102. The Office will inform those bodies and individuals who have responded to any consultation when the published information is available.

103. In making any decision with respect to a policy adopted or proposed to be adopted, the Office will take into account any equality impact assessment and consultation carried out in relation to the policy.

104. The Commissioner's Office will review the impacts of any of its activities by publishing the Scheme on its website, and drawing it to the attention of all correspondents from Northern Ireland. In so doing, it will solicit views on its content and approach.

105. We anticipate that the re-evaluation of the need for an established presence (referred to in section 5 above) will provide an excellent opportunity for us to review our activities and their impact throughout Northern Ireland.

106. The review of the impact of our policies will be carried out as described in section 4 above.

107. Whether as a result of that review or not, any allegation of adverse impact will be investigated by the Director of Personnel and Finance who is tasked with the responsibility for oversight of the Scheme and all policies and activities that it covers. Where it is thought necessary, he will have responsibility for recommending amendments to it.

6. Publishing Information

108. As a small office, we are limited in terms of the activities that we can undertake to publicise the Act and its implications. Over the last few years, we have concentrated relatively significant sums from our limited resources on promoting awareness of the Data Protection Act within Northern Ireland; that effort has increased awareness.

109. This Scheme will be made available on the Commissioner's website page as set out in section 6 above on 'Monitoring'. Any comments received will be summarised when any amendment is made to the Scheme. Any revised Scheme will make clear what amendments or adaptations have been made and identify the specific comment (and, where appropriate, its source), which led to the amendment.

110. The Commissioner has a separate policy on Equality of Opportunity which sets out the standards and categories of individual to which that policy relates. In addition, the Commissioner has Codes of Conduct both for Staff and for Managers. Each of these underpins and puts into effect the Equality of Opportunity policy. The Policy and Codes are regularly reviewed and updated as necessary to take account of new legislation or issues that arise. Those codes will now be formally reviewed and revised as appropriate to ensure that actions required to ensure that the section 75 duties are complied with are incorporated within them.

111. Guidance and publications are published on the website. A series of seminars which explain data protection requirements are now available on-line.

112. Guidance is provided to any member of the public on request, and is already available in alternative formats as requested. Enhancements of those arrangements will be considered in the impact assessments scheduled as set out above and in the context of consideration of the possible establishment of a permanent presence in Northern Ireland.

113. The Office has produced information on data protection aimed specifically at young people. 'Protecting the Plumstones' is an interactive CD programme which raises the implications of data protection in a range of humorous,

informative and serious scenarios that, together, enable primary and secondary school children to gain knowledge of that legislation.

114. Employee Handbook or separate procedures relating to Office functions) will be reviewed to ensure that they do not contain anything that would conflict with the principles and aims Each publication, item of guidance or other materials that may be of relevance (such as the set out in this Scheme. Each will be considered separately in the event of any issue that comes within the scope of this Scheme being raised.
115. All of the policies or guidance materials which are subject to impact assessment will be revised as appropriate and published on our website, together with the results of the impact assessments once these have been completed.
116. In any future publication on the performance of the Office, such as Corporate or Business Plans or Annual Reports, consideration will be given as to whether wording could be included which will promote the section 75 duties, and the Office's commitment to these.

7. Training

117. The Commissioner accepts that although at present the effects of any policies of the Office have a limited impact of equality of opportunity in Northern Ireland, it is important that, particularly as the Office expands and takes on new responsibilities that might increase its impact, all staff within the Office are aware of the legislation and its requirements, this Scheme and its commitments and the Commissioner's commitment to achieving the aims set out within it.
118. At the moment, operating from a single site and developing policies that are approved at senior management level, we have identified the key training needs and objectives as follows –
119. To seek out and provide appropriate training for the individual charged with drawing up, implementing, overseeing, monitoring and revising this Scheme with the necessary training to enable him or her to ensure –

- Relevant existing or proposed policies or amendments to these, are developed in accordance with the requirements set out in the guidelines issued by the Equality Commission.
 - Equality Impact Assessments are carried out in accordance with those guidelines.
 - Any complaints raised in connection with this Scheme are examined, investigated and concluded in accordance with the general principles laid down for investigation of complaints received by the Office.
 - Any actions identified as necessary following the investigation of a complaint, or from general monitoring, are progressed.
 - Consultation on any aspect of the duties or the Scheme is carried out in accordance with the requirements.
 - The commitments and procedures set out in the Scheme are complied with.
 - All those other members of staff who are involved in any aspect of work covered by the duties or the Scheme are aware of these, and comply with their requirements.
 - All staff are aware of the duties placed on the Office with regard to work undertaken in, emanating from or relevant to Northern Ireland.
 - All staff are aware of the contents of this Scheme, have access to a copy of it, and receive appropriate training in respect of it as part of their standard induction training on appointment to the Office.
120. In arranging this, consideration will be given as to whether the groups covered by the section 75 duties could provide input to the process. Requests will be made to representative groups for any available literature so that items or aspects that are important to these groups are included within any consideration.
121. Thereafter, the responsible individual will draw up a training plan to ensure that the training identified in points 7 and 8 above is completed within three months of confirmation of acceptance of the Scheme.
122. Within that same period, ensure that –
- An appropriate section on the Scheme is included in standard induction training provided to all new starters, which is delivered to all new starters within three months of their commencement of employment.
 - That the training programmes are implemented, monitored and updated when necessary to reflect changes or developments.
 - Delivery and effectiveness of the training is monitored and a report on delivery, any changes, developments and feedback is included in the annual report produced for the Equality Commission.

123. Members of the Commissioner's Management Board have read through and given their approval to this Scheme before its publication and submission to the Equality Commission.
124. The Management and Staff Codes of Conduct will be amended, as necessary, to accommodate adherence to the aims of the Equality Scheme. A copy of this Scheme will be appended to the Handbook. The handbook is held on the Office intranet that is available to all staff. The changes will be brought to the attention of all staff, with appropriate training being provided.
125. A copy of the Scheme will be included on the website with copies of all relevant documentation that governs the conduct of staff of the Commissioner.
126. Thereafter, the content of the standard induction programme that is delivered to all new starters in the Office will be amended to include a session on this Scheme.

8. Public Access to information and services provided by the Commissioner

127. A copy of the approved Scheme will be sent to all those who have been involved in any aspect of the consultation, or who are listed as representative groups in the relevant Guidelines issued by the Equality Commission.
128. The Commissioner is committed to ensuring that all the functions of her Office and the methodology for using them are available to everyone.
129. The particular focus and requirements of the Equality Scheme will form part of the planning for publicity initiatives. Particular regard will be taken of the Scheme in connection with the planning of any communications campaigns based in, or of particular relevance to Northern Ireland. In disseminating any information through the Northern Ireland press, the Office will ensure that press statements are issued to all three Belfast newspapers, including the North West version of the Belfast Telegraph. Any public advertisements run by the Office within Northern Ireland will be placed in those same newspapers as well as in others that might be considered to be particularly relevant in the context of the message carried.
130. All office publications are available over the website or by leaving a message in the publications telephone voice box service which can be accessed 24 hours a day via the Enquiries number (01625 545745).
131. The need for, and ways of providing, information in alternative formats, covering all ranges in all sectors of the United Kingdom is kept under review, but the specific needs of the groups covered by the section 75 duties will be

re-examined in the light of the findings of the impact assessment carried out in furtherance of those duties.

9. Timetable for any aspects or measures that are not yet fully operational or still in the planning stage

9.1 Training

132. All staff will be informed, of any changes to procedures made as a result of this Scheme, or as a result of impact assessments on any of the policies currently followed by the Office, and provided with any necessary training.
133. Reference to the Equality Scheme will be included in induction training for all staff from the date of this Statement.
134. Changes to the Staff and Management Codes of Conduct and Staff Handbook will be included in the next amendment to each of those. A notice confirming those updates will be sent to all staff at the time of the amendment, which will be within 6 months of the date of this Scheme.

9.2 Consultation

135. A copy of this Scheme has been forwarded to the Equality Commission and will be sent to those bodies in Northern Ireland who were included in our initial consultation contact within three months of the date of this Scheme.
136. A copy of the Scheme will be placed on the website on the next regular update after the date hereon.
137. All those bodies and individuals consulted as part of the feasibility study into the desirability and location of an established presence for the Office in Northern Ireland will be provided with a copy of the Scheme during that process.
138. Response systems will be investigated as part of the Office's current change programme to determine whether the Scheme can be referred to automatically in the initial response from the Office to all those who provide a correspondence address in Northern Ireland.

9.3 Alternative formats

139. The Scheme will be made available in alternative formats as requested.
140. The Office keeps its provision of information under review. Any request for alternative formats for information and service delivery mechanisms is always considered sympathetically, and alternative delivery mechanisms will be investigated with any groups or individuals who make such a request.
141. Notwithstanding any action taken in response to the previous point, the impact of provision of information in formats not currently available will be considered as part of any impact assessment when it is undertaken.

10. Complaints relating to any aspect of the Equality Scheme

142. The Commissioner believes that the efficiency and effectiveness of the Scheme will be determined by how it is implemented and the confidence thus engendered in those affected by it. The availability, relevance and adequacy of the Scheme and the policies and procedures associated with it are crucial to its success and, in this context, the Commissioner is keen to ensure that anyone who feels that they have been disadvantaged by it or that it could be improved in terms of its accessibility and practicality should have a clear indication of how to raise such points and to whom to address them.
143. Complaints on any point in the Scheme or any areas covered by it should be sent to Michael Duffy, Director of Personnel and Finance at the Information Commissioner's Office at the address given on page 31 below. Alternatively, complaints can be made by e-mail by sending details to mike.duffy@ico.gsi.gov.uk, or by telephoning 01625 545700 and asking for Michael Duffy.
144. When an individual has difficulty making a complaint through the normal procedures, the matter will be discussed with the individual (or their representative as appropriate), to agree how the matter will be handled.
145. Any complaint concerning the content of this Scheme or any omission from it will be dealt with in the first instance by Michael Duffy, the Director of Personnel and Finance, who will investigate the matter and send a full response to the individual raising the issue. He will be responsible for making recommendations for alterations to the Scheme for consideration by the Commissioner.
146. Any complaint of a failure to comply with any detail of the Scheme on the part of any employee or agent of the Commissioner will be referred to one of the

Deputy Commissioners. The Deputy Commissioner concerned will investigate the matter and respond to it in line with the published procedures for investigating complaints made against any member of the Commissioner's staff.

11. Review of the Scheme

147. The Scheme will be kept under continual review especially during its early stages.
148. Regardless of any changes that are thought necessary during the interim period, a full review of the Scheme covering its impact, any problems or issues, and alternative ways forward will be conducted before autumn 2004. A copy of the review will be forwarded to the Equality Commission.
149. An annual report on the operation of the Scheme will be forwarded to the Equality Commission and published on the Commissioner's website.

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Further information on the work of the Office can be found in the Commissioner's Annual Report to Parliament, published in the July of each year; and also available via our website @
<http://www.informationcommissioner.gov.uk/eventual.aspx?pg=SR&cID=576>