

Information Commissioner's Office

# Information Commissioner's Annual Report Summary 2009/10

Upholding information rights  
in a changing environment

**ico.**

Information Commissioner's Office

## 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.

## Your information rights

The **Freedom of Information Act 2000** gives people a general right of access to information held by most public authorities. Aimed at promoting a culture of openness and accountability across the public sector, it enables a better understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money.

The **Environmental Information Regulations 2004** provide an additional means of access for people who want environmental information. The Regulations cover more organisations than the Freedom of Information Act, including some private sector bodies, and have fewer exceptions.

The **Data Protection Act 1998** gives citizens important rights including the right to know what information is held about them and the right to correct information that is wrong. The Data Protection Act helps to protect the interests of individuals by obliging organisations to manage the personal information they hold in an appropriate way.

The **Privacy and Electronic Communications Regulations 2003** support the Data Protection Act by regulating the use of electronic communications for the purpose of unsolicited marketing to individuals and organisations.

The **Infrastructure for Spatial Information in the European Community Regulations 2009** give the Information Commissioner enforcement powers in relation to the pro-active provision by public authorities of geographical or location based information. (The regulations are subject to a staged implementation, meaning that the ICO won't have any eligible complaints to consider until 2011).



## Contents

Mission and vision	3
Your information rights	4
Information Commissioner's foreword	8
Our year at a glance	14
Awareness of information rights	18
Meeting customer needs	20
ICO in the news	38
Summary financial statement	42




## Information Commissioner's foreword

The information society presents us with great opportunities – but also great challenges. We all benefit from the internet as a communications tool, a source of news and information and a channel for buying and selling goods and accessing and delivering services. We increasingly expect easy availability of official information and transparency and accountability in a modern democracy.

The challenge is to balance the expectation of transparency in official organisations while preserving personal privacy, so citizens and consumers can enjoy the benefits of the information age while retaining their privacy and security. Access to official information is tempered, where necessary, by judgements around the public interest. That is what the Information Commissioner and the ICO are for. And, as more and more issues are brought to the Commissioner for a decision, the challenge to the ICO can only grow.

Over the past year, the ICO has made a real difference. January saw the fifth anniversary of the start of the full Freedom of Information Act regime. Decisions by the Information Commissioner have been followed by the release of information that had previously been withheld – from the NHS consultants contract to MoT pass and failure rates by make of car. The ICO intervened to improve the transparency of public bodies – from the Ministry of Defence to the UK Borders Agency. More and more, public bodies are releasing material without being ordered to do so by the Commissioner and the ICO keeps a watch on public authorities' publication schemes to encourage more proactive disclosure. Enforcing the Data Protection Act, the ICO has been auditing compliance across Whitehall. We also served enforcement notices on 14 construction companies who had been using the unlawful database of blacklisted building workers operated by the former Consulting Association.

At the same time, we at the ICO have been re-thinking our approach and strategy, to enable the organisation to rise to the challenge of upholding information rights in the information age. We have developed and re-stated a clear mission, vision and values for the ICO. We have restructured the organisation to secure greater integration of data protection and freedom of information work – under the banner of information rights. We have established an end-to-end operational process, ensuring that we learn from casework and that our regulatory interventions are appropriately risk-based and proportionate. We have consulted our stakeholders on an approach to regulation that emphasises advice and guidance – backed by effective sanctions for non-compliance.



**The challenge is to balance the expectation of transparency in official organisations while preserving personal privacy... as more and more issues are brought to the Commissioner for a decision, the challenge to the ICO can only grow.**



Armed with our new powers of compulsory compliance assessments and the potential to impose civil monetary penalties on data controllers of up to £0.5 million, we are professionalising our approach to audit and enforcement. As Information Commissioner, I shall continue to press for a more effective deterrent to criminal behaviour by 'rogue' individuals. I continue to believe that the courts should be able to impose a custodial sentence, where appropriate, to tackle the unlawful trade in personal data that is the scourge of the digital world. Data theft is no victimless crime.

The striking achievement on the freedom of information side of the business has been the dramatic reduction in the backlog of outstanding decision notices. This has been achieved through commitment and hard work by colleagues, effective prioritisation and workflow management, and a more realistic approach by public authorities. The latter are increasingly responding to an ICO that is 'on their case' and not afraid to order publication if the arguments for retention have not been promptly and appropriately made. Yet our freedom of information caseload continues to grow each year: a review of our processes and procedures, following restructuring, is designed to help us meet this ongoing challenge.

For the second time in nine months, the Commissioner had to make a formal report to Parliament following the imposition of a Ministerial veto on the publication of minutes of Cabinet proceedings. The material at issue concerned the proceedings of a Cabinet Committee considering devolution in Scotland and Wales. I was concerned that the veto had been imposed before the matter had even been heard by the Information Tribunal. The veto should only arise in exceptional circumstances. I shall continue to apply the Act and its current provisions relating to Cabinet material.

To carry out my duties effectively and with the full confidence of all parties, now is the time to formalise the governance arrangements for the Information Commissioner,

suitable for an independent public official whose accountability is fully to Parliament rather than primarily via Departments of State.

I believe my predecessors and I have demonstrated the real independence of the Information Commissioner; but, with five years' experience of operating the Freedom of Information Act, I believe that the ICO has not just to be independent of government, but be seen to be independent in its reporting and financing arrangements. I look forward to discussing with Ministers how this coming of age can be given effect.

## The striking achievement on the freedom of information side of the business has been the dramatic reduction in the backlog of outstanding decision notices.

I took up my duties as Information Commissioner in June last year, taking over from Richard Thomas CBE. Richard had served as Commissioner for almost seven years and, in that time, raised the profile of the role in Whitehall, in Brussels and in the public consciousness. Richard was a formidable champion of information rights and a fearless defender of the independence of the ICO.

In my first year I have benefited hugely from the solid foundations laid by my predecessor and from the support and co-operation of my ICO colleagues. My fellow Executive Team members have responded with enthusiasm to the challenge of refocusing and restructuring the organisation.

We have been supported in the task by our committed and constructive non-executive Management Board members. David Clark and Sir Alistair Graham retired after some seven years service as non-execs – a period in which the ICO grew in both scope and sophistication. As the new boy, I was particularly grateful to David and Sir Alistair for their wise counsel. I have also come to rely on the sound advice of Bob Chilton and Dame Clare Tickell whose terms of office as non-execs are also drawing to a close. Two new members joined the Management Board – Neil Masom and Enid Rowlands – following a public recruitment process. I look forward to working with our new non-execs in the months to come.

**My biggest thank you must be to all the ICO staff who have delivered a year of great achievement...**

My biggest thank you must be to all the ICO staff who have delivered a year of great achievement at the same time as contributing to a fundamental restructuring of the ICO. The change process has been both exhilarating and disconcerting for all concerned. But I believe we are now well placed to respond effectively to the demands of upholding information rights in a changing and challenging environment.



**Christopher Graham**  
Information Commissioner

**... we are now well placed to respond effectively to the demands of upholding information rights in a changing and challenging environment.**



## Our year at a glance

### April 2009

We host the European Privacy and Data Protection Commissioner's Spring conference in Edinburgh.

Following more than 500 complaints about unsolicited faxes we successfully prosecute a debt collecting agency under the Privacy and Electronic Communications Regulations.

We respond to the House of Lords Select Committee inquiry report - Surveillance: Citizens and the State.

### May 2009

We successfully prosecute a Lewisham law firm under the Data Protection Act for failing to notify with the ICO as a data controller.

We speak at a conference in Bogota, Colombia at the invitation of the Foreign Office and provide an overview of the ICO's experience as a freedom of information regulator.

We authorise the transfer of personal information from the UK by the Accenture group of companies and the Atmel group of companies to other entities within their own corporate groups

which operate outside the European Economic Area.

We successfully prosecute a Peckham recruitment company for failing to notify with the ICO as a data controller.

We publish a review of the strengths and weaknesses of the EU Data Protection Directive. The study concludes that, in an increasingly global, networked environment, the Directive will not suffice in the long term.

We launch the latest version of our Privacy Impact Assessment handbook which urges organisations to consider the impact on

individuals' privacy before developing new IT systems or changing the way they handle personal data.

We respond to an invitation to comment on questions around the data protection implications of suspicious activities reports on the SOCA database.

### June 2009

We lay a report to Parliament about the use of the freedom of information veto by the government in relation to cabinet minutes about the decision to go to war in Iraq.

We remind parents wishing to take photos of their child at the school sports day that they should not be deterred by data protection myths.

We publish new guidance to help freedom of information practitioners understand when a request under the Freedom of Information Act can be refused on the grounds of national security.

We host a delegation from China, whose members were seeking input and advice on implementing and regulating freedom of information legislation.

We launch our new Privacy Notices Code of Practice to help organisations provide more user-friendly privacy and marketing notices.

Richard Thomas retires from the ICO at the end of his second term and Christopher Graham becomes Information Commissioner.

We explain our enforcement role to the Association of Chief Police Officers (ACPO) at their national conference in Southampton.

### July 2009

We successfully prosecute Ian Kerr from the Consulting Association over his illegal

use of a database containing personal details over 3,000 construction industry workers.

We serve Enforcement Notices on 14 construction firms following breaches of the Data Protection Act where they paid for illegally held personal information about potential employees.

We launch a campaign to remind doctors working privately to notify with the ICO where they are handling patients' personal information.

We publish guidance for local authorities about how they should respond to property search requests.

### August 2009

We provide written evidence to the All Party Group on Junk Mail investigation into data management.

### September 2009

We launch our Student Ambassador programme to raise awareness of data protection rights.

Work begins on the extension to our Wilmslow office that will bring all staff based in Wilmslow under one roof.

We host a delegation from Chile whose members were seeking input and advice on implementing and regulating freedom of information legislation.

The Daily Telegraph publishes details of individual MPs' expenses.

We provide evidence to the Culture Media and Sport Committee on the illegal trade in personal data in connection with its inquiry into press standards, privacy and libel.

### October 2009

The new tiered notification fee structure is introduced.

We take enforcement action against a forklift and plant hire company, under the Privacy and Electronic Communications

Regulations, following more than 1,700 complaints about unsolicited faxes.

We give evidence to the House of Commons Treasury Select Committee during its inquiry into Credit Searches.

We mark our 25th Anniversary with a reception which is attended by the four people who have led the ICO since 1984: Eric Howe, Elizabeth France, Richard Thomas and Christopher Graham.

We successfully prosecute a firm of chartered management accountants for failing to notify as data controllers under the Data Protection Act.

We publish our new mission, vision and values.

### November 2009

We launch our new Guide to Data Protection which is welcomed by the Federation of Small Businesses and accredited by the Plain Language Commission.

We successfully prosecute two recruitment firms under the Data Protection Act for failing to notify as data controllers with the ICO.

We issue security breach figures that reveal burglaries and theft are the single biggest security risks for organisations processing people's personal details.

We issue our monitoring report into the Publication Schemes of Central Government departments.

### December 2009

We launch a news feed on Twitter.

Justice Secretary Jack Straw exercises the Ministerial veto to prevent the disclosure of 1997 Cabinet Committee minutes on devolution, in response to our decision ordering their release.

We launch a consultation on a new draft code of practice about collecting personal information online at our Data Protection Policy conference in Manchester.

We issue Practice Recommendations to the UK Borders Agency and Cardiff County Council aimed at improving the way internal reviews are conducted.

### January 2010

Freedom of Information celebrates its fifth birthday.

We mark European Data Protection Day launching the Think Privacy campaign and promoting the 'i in online' project.

We publish new guidance to help individuals in Northern Ireland take a claim to court under the Data Protection Act.

The Coroners and Justice Bill receives Royal Assent, providing the ICO with the power to audit central government departments without consent.

The ICO lays a report before Parliament about the government's use of the freedom of information veto. The veto overturned our decision to order disclosure

of minutes of a 1997 cabinet committee on devolution.

We host a parliamentary reception at the Scottish Parliament.

The Infrastructure for Spatial Information Regulations (Inspire) are passed in Parliament, giving us new enforcement powers related to publication of geospatial datasets.

We give evidence to the Justice Committee inquiry into Justice issues in Europe.

### February 2010

In preparation for our report to Parliament on the state of surveillance we appoint the Surveillance Studies Network to report on developments in surveillance in the UK since 2006.

We serve an enforcement notice on the Labour Party after it breached the Privacy and Electronic Communications Regulations by making unsolicited automated marketing calls.

Anne Jones, our Assistant Commissioner in Wales, gives evidence to the Welsh Assembly's freedom of information panel.

We order the Cabinet Office to release information about an undertaking given by Michael Ashcroft in March 2000 concerning his intention to take up permanent residence in the UK on taking his seat in the House of Lords.

### March 2010

We issue data protection guidance to political parties and candidates.

We issue our monitoring report into the Publication Schemes of the UK's police forces and police authorities.

We launch our new corporate identity.

We give evidence to the Home Affairs Select Committee on surveillance society issues.

We host the Data Protection Officer conference in Manchester.

We publish 'The Privacy Dividend' report which provides organisations with a financial case for adopting data protection best practice.

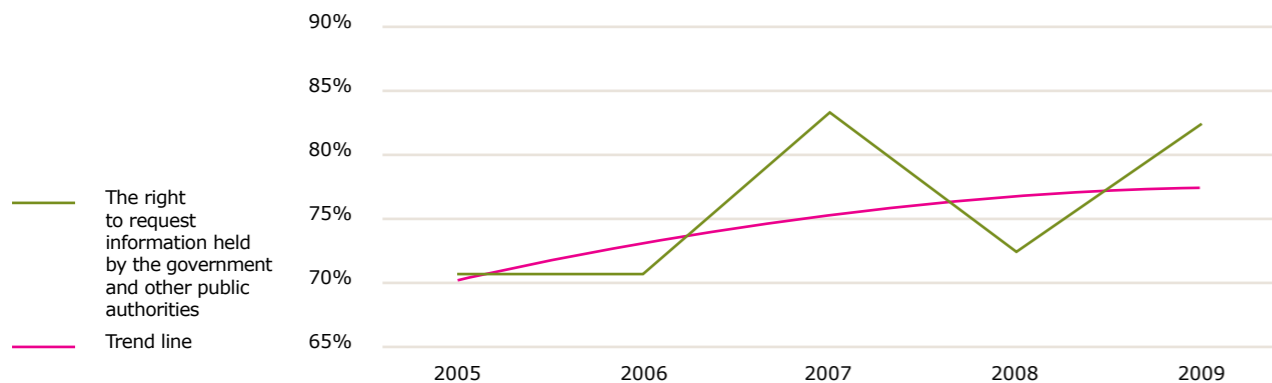
# Awareness of information rights

## Awareness of information rights

Information rights remained high on the political and social agenda this year. Research commissioned by the ICO continues to show very high levels of awareness.

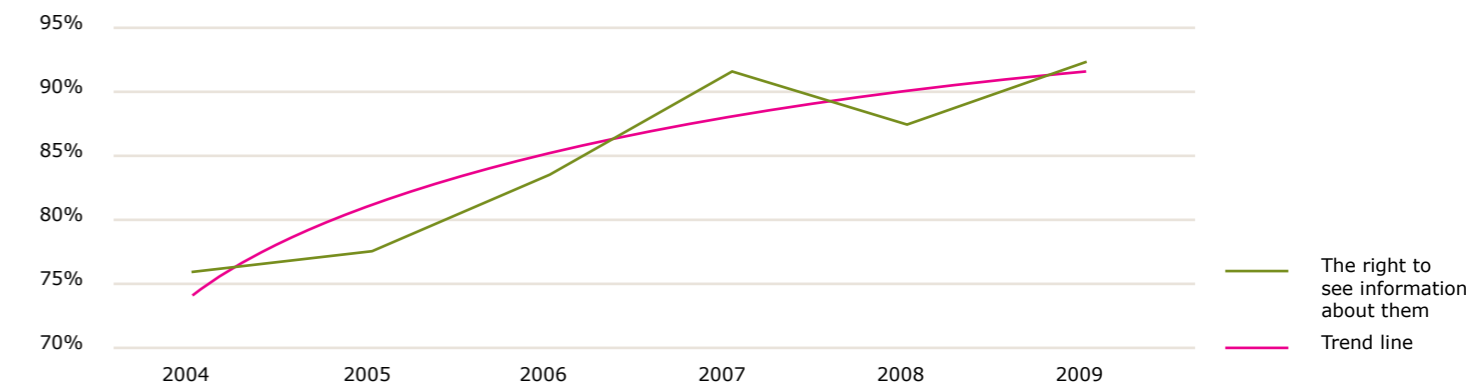
Individuals' awareness of the freedom of information right to request official information has risen from 75% in 2008 to 85% in 2009.

Prompted awareness of the right to request information held by the government and other public authorities



Individuals' awareness of the right to see information held about them is now at its highest ever, with 91% of people aware of this data protection right.

Prompted awareness of the rights to see information



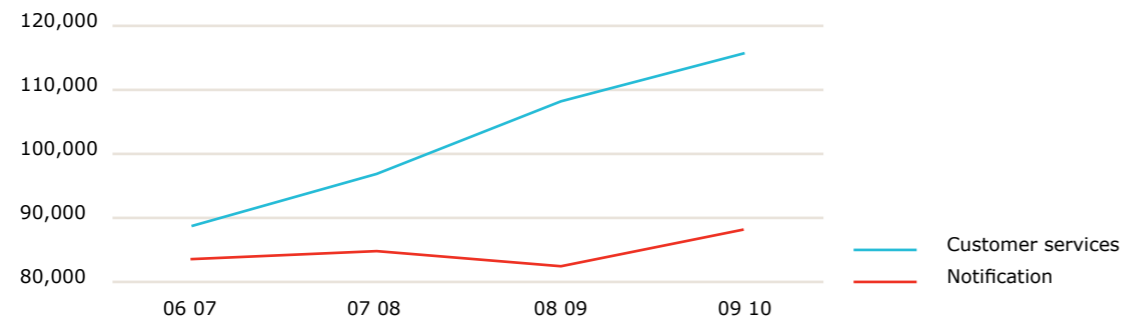
## Meeting customer needs

### Meeting customer needs

Calls to our two helplines rose again with over 212,000 calls, an increase of over 6% compared to the previous year.

# 212,000

## calls made to our helplines



**6%**  
increase compared  
to 2008/09

The increase in calls was across all the legislation we regulate. We aim to provide the customer with a clear understanding of how we can help and what practical steps they can take to resolve their problem quickly.

We further improved our website navigation, making information easier to find and launching new user journeys; one aimed at organisations about health and another aimed at the public about CCTV. We also added a news section to our microsite for young people, plus sections covering identity theft, unwanted marketing and keeping control of personal details.

Our policy of providing practical helpline advice and an informative website led to a 9% reduction in the number of ineligible complaints we received.

**9%**  
reduction in the  
number of ineligible  
complaints

### Freedom of information complaints

#### Caseload

As a result of our increased output, we currently have 1,035 open cases, 439 fewer than at the start of the year.

New staff structures have enabled us to work more efficiently and we have reduced the numbers of our oldest cases significantly. On 1 April 2009 we had 118 open cases that were over two years old. A year later, we had reduced this to 11 (or just 1%) of our open caseload.

This year we cleared all of the cases from 2005. At 31 March 2010, there remained a single case from 2006, a single case from 2007, and 39 cases from 2008 under investigation.

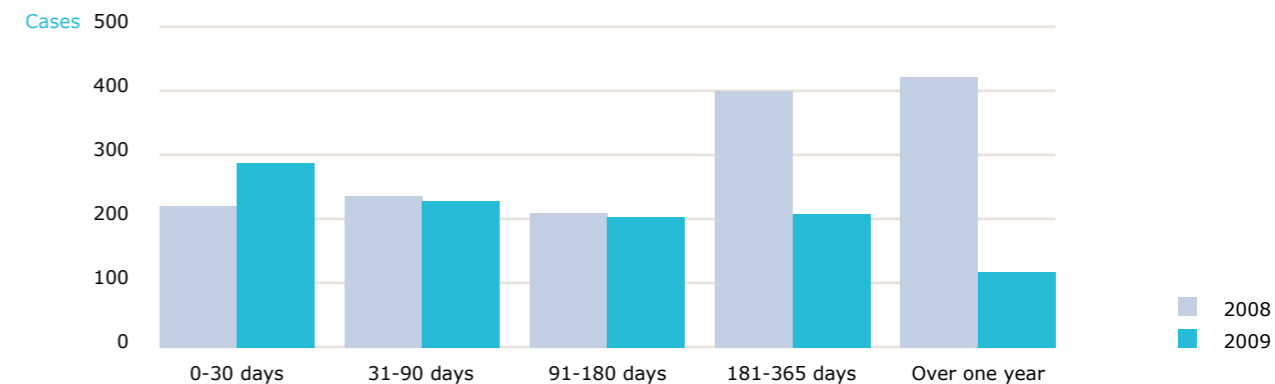
We are improving the service we provide by starting and resolving cases more quickly. This has led to significant improvements in the age profile of open cases.

Time since receipt	Open cases at 1 April 2009	Open cases at 31 March 2010	% of total at 31 March 2010	Change since April 2009
0 – 30 days	218	285	28%	+67
31 – 90 days	234	226	22%	-8
91 - 180 days	208	201	19%	- 7
181 – 365 days	396	206	20%	-190
One year to 18 months	184	83	8%	-101
18 months to two years	116	23	2%	-93
More than two years	118	11	1%	-107

Our new structure now provides more flexibility and more signatories for the most complex cases. This has resulted in an overall increase in productivity.

We have maintained quality control of decision notices by applying a consistent approach to the way we review and assess them. Our internal policy team considers the approaches being applied and any developing lines to follow, before the case is ultimately signed off by one of the senior team.

Age distribution of our caseload



Freedom of information complaints continue to rise.

The number of Freedom of Information complaints that have reached our office



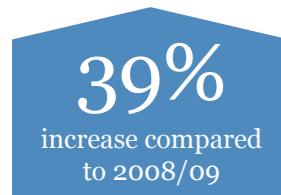
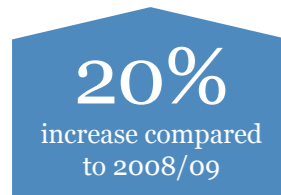
The number of cases we closed



We received 3,734 complaint cases during 2009/10 compared to 3,100 last year. We did not allow this 20% increase to distract us from reducing the number of older cases and the time taken to make decisions on the more difficult and complex complaints.

Overall we closed 4,196 cases during 2009/10, a 39% increase compared to 2008/09.

We continue to close cases without the need for formal decision notices, many through effective negotiation and discussion with public authorities to ensure that information is released when it is appropriate to do so. We closed more than half our cases by informal resolution - 2,195 cases.



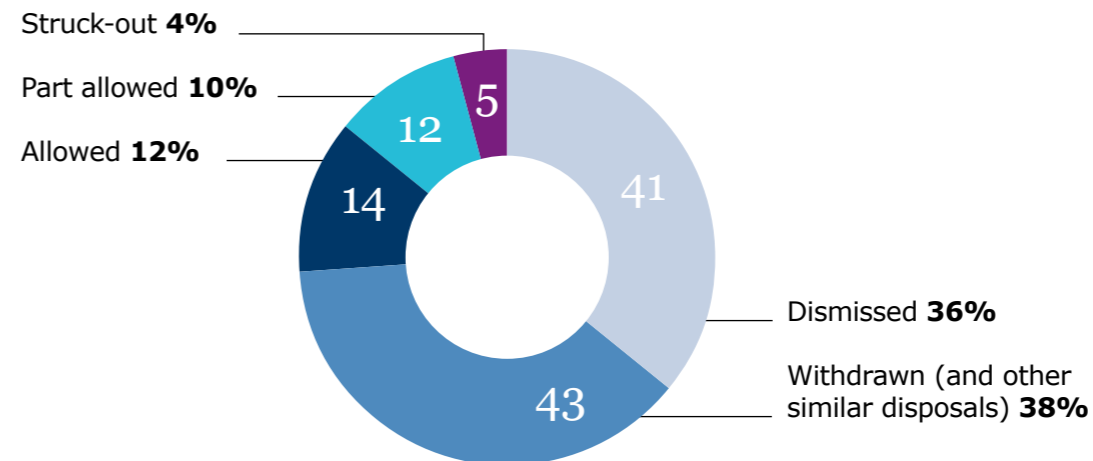
We closed 628 cases with a decision notice in 2009/10, more than double the 295 decision notices we issued in 2008/9.

**Appeals to the Information Tribunal**

There were 161 appeals against our decisions in 2009/10 (compared to 87 in 2008/09). This is 26% of the total decision notices issued (compared to 29% of the total in 2008/09).

99 (or 62%) of the appeals were from requesters with 62 (or 38%) from public authorities.

The Information Tribunal determined 115 appeals in 2009/10  
The outcome of those appeals was as follows



**Policy formulation - freedom of information research**

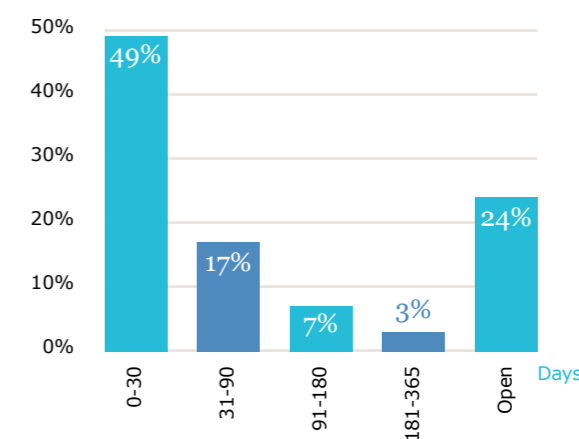
We commissioned the Constitution Unit at University College London to research into the impact of freedom of information on the process of the formulation and development of government policy. The research highlights the various stages and processes currently used in Whitehall for policy development and will help the ICO’s approach to casework in this area.

Freedom of information casework



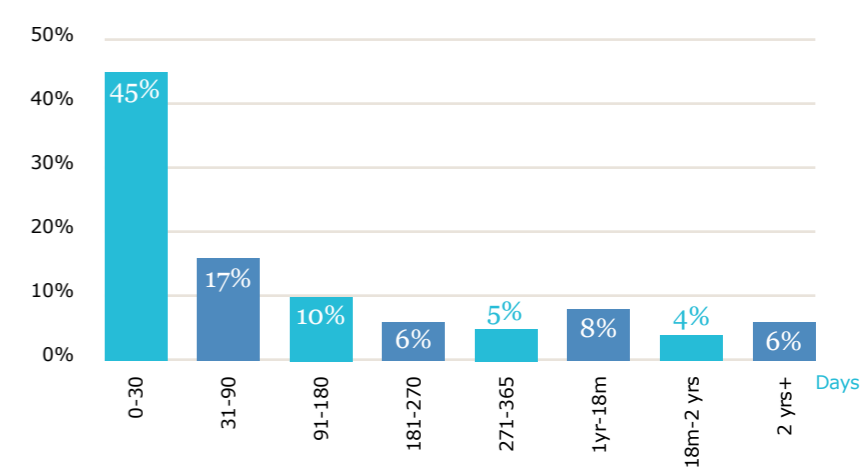
**What happened to the casework received**

Closed in 30 days or less	49%
Closed in 90 days or less	66%
Closed in 180 days or less	73%
Closed in 365 days or less	76%
Open on 31 March	24%



**Age of casework at closure**

30 days or less	45%
90 days or less	61%
180 days or less	72%
365 days or less	82%



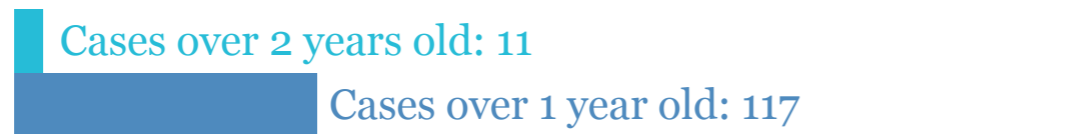
**72%**  
drop in cases over 1 year old compared to 2008/09

**91%**  
drop in cases over 2 years old compared to 2008/09

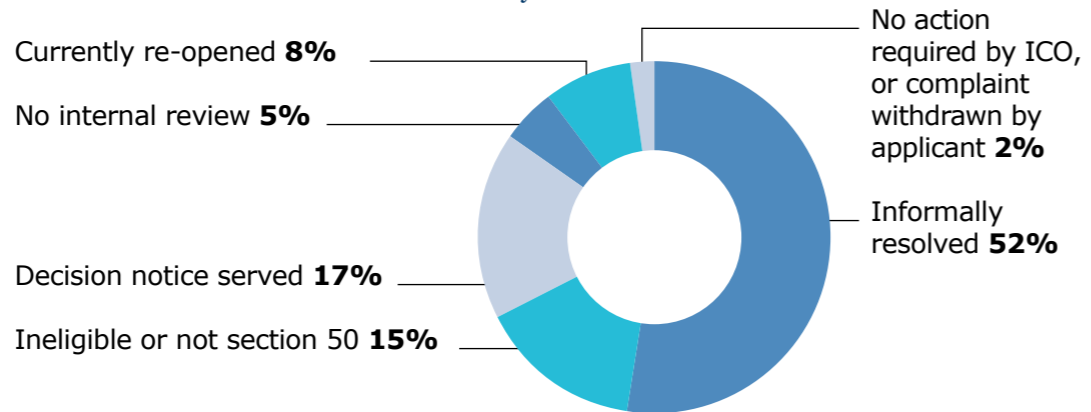
At 1 April 2009



At 1 April 2010



Outcomes of cases for casework finished this year



Areas generating most complaints where sector is specified



Outcome of cases where a decision notice has been served

Total served	628	
Complaint upheld	142	23%
Complaint not upheld	288	46%
Partially upheld	198	31%

**We issued 628 decision notices under the Freedom of Information Act and Environmental Information Regulations:**

## Public authority: BBC

The High Court handed down a significant ruling about the way in which freedom of information applied to information connected with journalism. The court found that the words in the Schedule meant that the BBC has no obligation to disclose information which they hold to any significant extent for the purposes of journalism, art or literature, whether or not the information is also held for other purposes. The Commissioner interprets the phrase “to any significant extent”, when taken in the context of the judgement as a whole, to mean that where the requested information is held to a more than trivial or insignificant extent for journalistic, artistic or literary purposes, the BBC will not be obliged to comply with Parts I to V of the Act.

As a result of this the Commissioner was able to close 145 BBC complaints between October 2009 and March 2010.

## Public authority: Cabinet Office

The ICO ordered the Cabinet Office to release information relating to the award of a working peerage to Michael, now Lord, Ashcroft, in March 2000. The information related to Lord Ashcroft’s domicile and tax status and the undertaking given by him to take up residence in the UK prior to the award of his peerage.

## Public authority: various government departments

Following a number of requests regarding correspondence between government departments and HRH The Prince of Wales, the Information Commissioner ruled that he would consider such information to be exempt from disclosure on the basis of section 37(1)(a) of the Act and also sections 40(2) – personal data and 41(1) – information provided in confidence.

## Public authorities: Maldon District Council, Castle Point Borough Council and East Riding of Yorkshire Council

The ICO ruled under the Environmental Information Regulations that councils should not be allowed to charge a fee based on property search regulations in relation to a request to inspect building control information.

## Data Protection and Privacy and Electronic Communications Regulations (PECR) casework

The protection of personal information and individual personal information rights were again high on the public agenda throughout 2009/10. The number of complaints we received in the year was the highest that we have ever had with 33,234 individual requests for advice and complaints, a 30% increase over 2008/09.

30%

increase in individual requests for advice and complaints

40%

more data protection cases closed than last year

32,714

data protection cases were closed

Our open data protection caseload at 31 March 2010 was 7,251, a 9% increase from the 6,680 we had under consideration at the start of the financial year.

We reduced the time we take to conclude our data protection work. We ended the year with 58 cases over one year old, less than 1% of our work in progress. The number of cases over six months old fell from 1,315 to 960, a reduction of 27%.

We also managed to resolve a large number of cases relatively quickly, with just under 75% of all of the data protection cases concluded within 90 days or less.

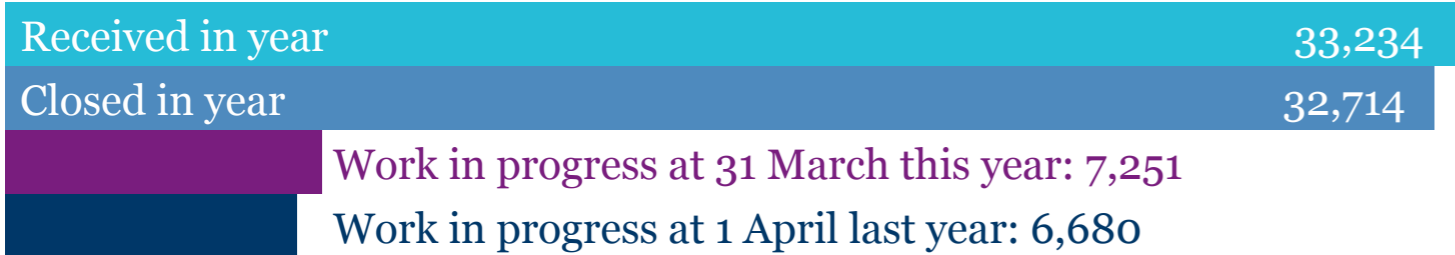
The increase in complaints to the ICO is a cause for concern. During 2010/11 we will be looking at how we might adapt our case handling processes even further to cope with this rise.

Subject Access Requests are the main reason for complaining to the Information Commissioner, the same as last year. The rights of individuals to access personal data accounted for over 28% of complaints where the reason was specified. People were also concerned about the disclosure of data and the accuracy of information being retained.

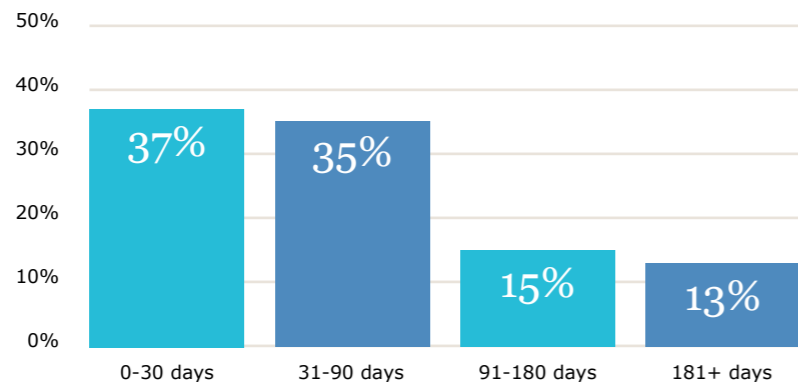
Perhaps unsurprisingly given the economic climate during 2009/10 lenders were the most often complained about, with direct marketing again causing concern as the second largest area of complaint.

We were able to deal with just over 12,000 cases by providing advice and guidance. Over 9,000 other cases were considered for assessment against the eight principles of the Data Protection Act. We found that in 62% of these assessments a breach of at least one of the principles was likely. We then shared our concerns with the data controllers with a view to them making improvements to processes and systems where necessary.

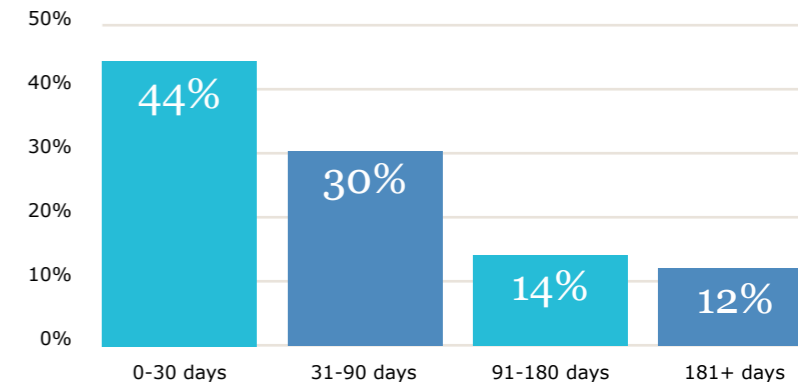
Data protection casework



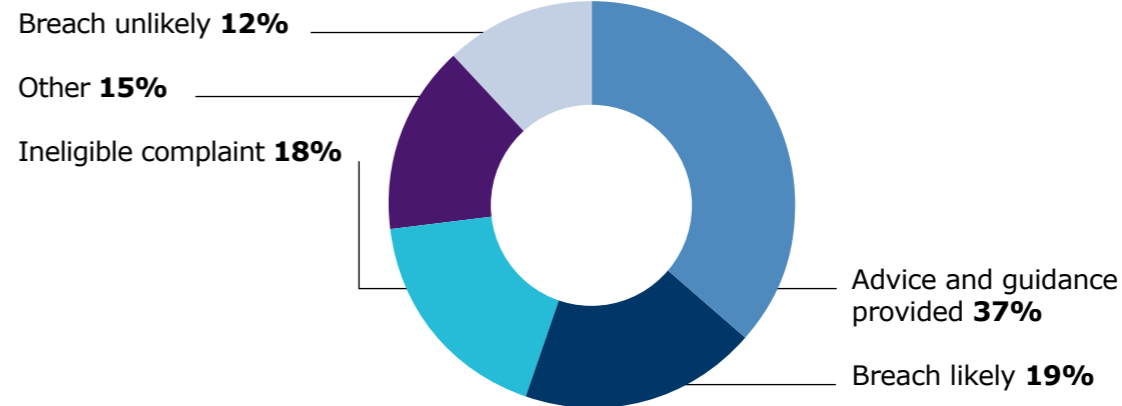
Age of work in progress on 31 March 2010



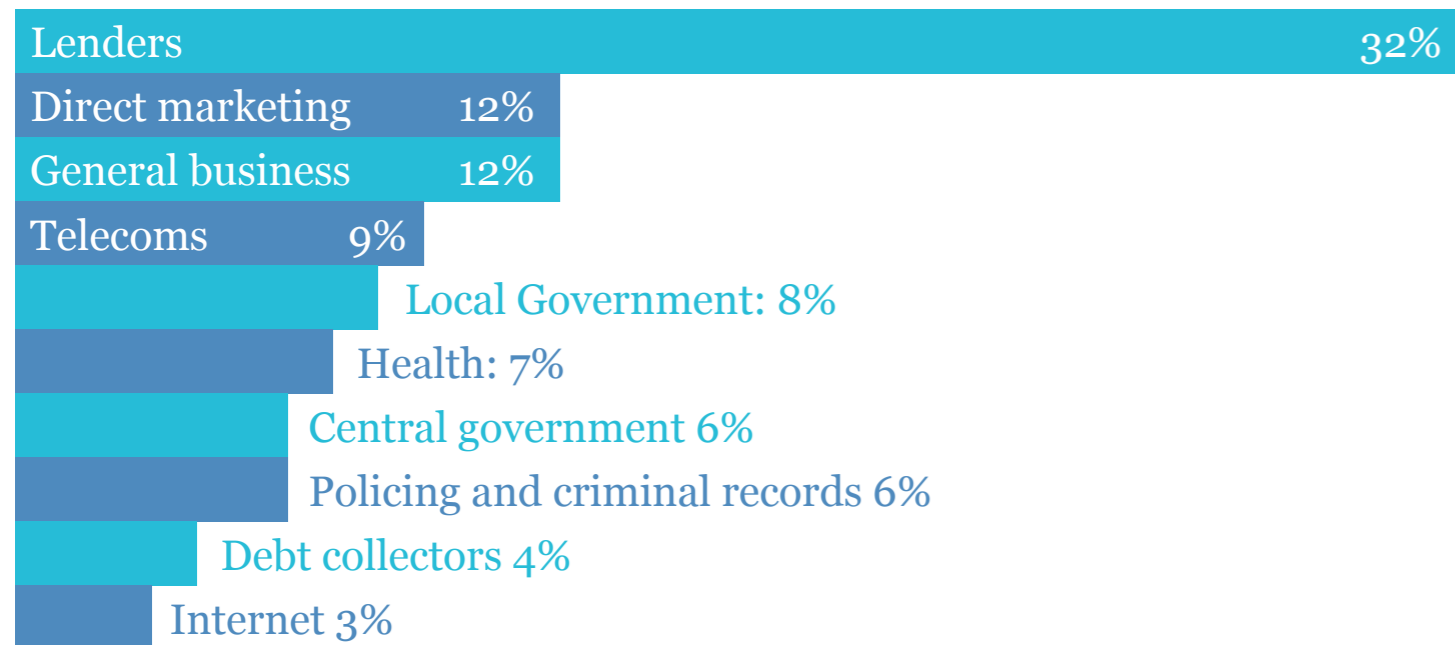
Age of casework at closure	
30 days or less	44%
90 days or less	74%
180 days or less	88%



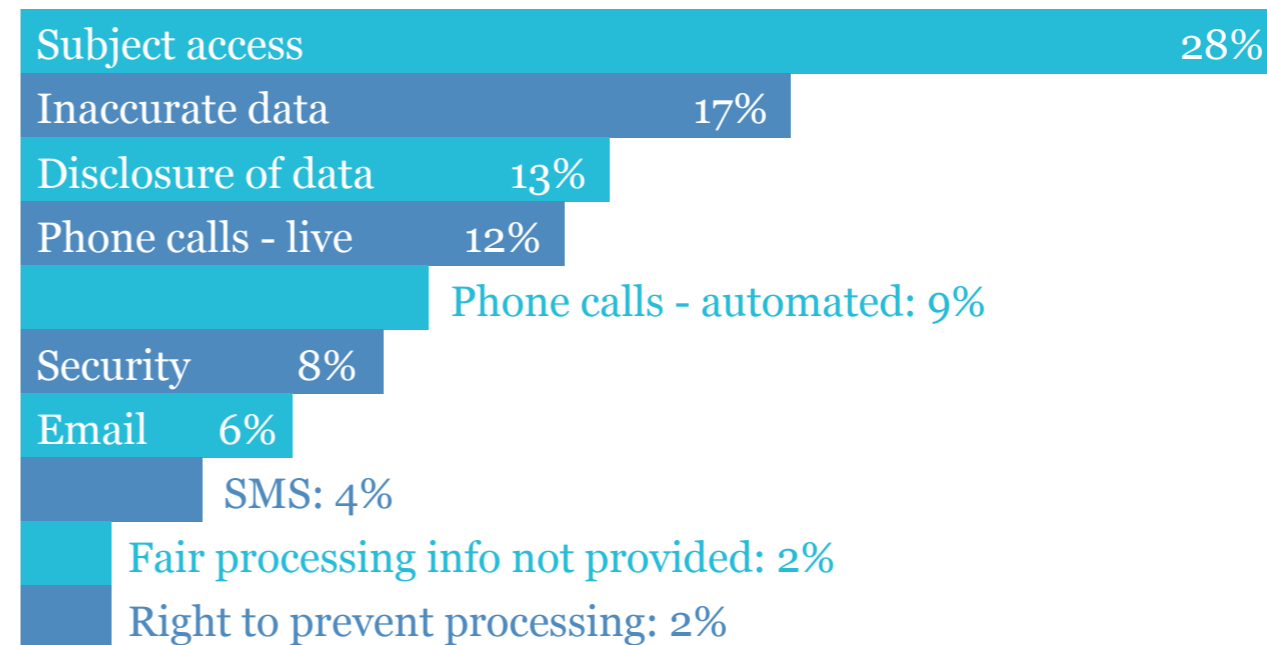
Outcomes of cases for casework finished this year



## The top 10 areas generating most complaints where sector is specified



## Top 10 reasons for complaining



## ICO in the news

**Computing**, 18 March 2010

From April, the Information Commissioner's Office will have the power to fine firms up to £500,000 for data mishandling. But it's not just a massive fine that culprits have to worry about. There is also the negative publicity that can be hugely damaging to a company's reputation and further business opportunities.

**BBC Online**, 12 January 2010

Information Commissioner Christopher Graham said that he hoped the new penalty would encourage companies to comply more closely with the Data Protection Act.

**The Guardian**, 4 January 2010 - Ben Dowell

Christopher Graham warns that more than 100,000 public bodies are now covered by the Freedom of Information Act. 'We are now in a freedom of information age. Public organisations are increasingly realising that they have to put out a good case to withhold information, or it will be released.'

**The Independent**, 31 March 2010 - Robert Verkaik

It was less than two years ago that MPs blundered into the expenses scandal by trying to exempt themselves from requests made under the Freedom of Information Act. Their self-destructive actions put them on a collision course with the Information Commissioner and ended in the humbling of Parliament.

**Evening Standard**, 26 May 2009 - Martin Bentham

Strict curbs on the use of CCTV and identity scanners in pubs and clubs are to be demanded by the government's privacy watchdog, in a new bid to prevent the growth of a "surveillance society" in Britain.

**The Guardian online**, 19 July 2009 - Pat McFadden

Earlier this year, an Information Commissioner's Office investigation revealed evidence of trade union blacklisting in the construction industry...The Commissioner has successfully prosecuted The Consulting Association and has in effect closed it down.

**Managing Information**, 1 May 2009

The Information Commissioner's Office is concerned that too many companies baffle customers with lengthy and unnecessary legalese and wants organisations to make their privacy notices much clearer.

**The Daily Mail**, 11 June 2009 - James Slack

Creating a database of the 11 million adults who work with children could ruin the lives of innocent people, the privacy watchdog warns today.

**The Scotsman**, 4 June 2009

The number of data breaches affecting Scottish organisations remains a serious concern to the ICO as a regulator of the Data Protection Act...No public body can afford to take risks with personal details, least of all sensitive health or social work records.

**Western Mail (Cardiff)**, 25 July 2009

Following an inquiry by the Information Commissioner, Neath Port Talbot Council is now taking voluntary action, including the encryption of portable and mobile devices which are used to store and transmit personal data.

**The Independent**, 25 May 2009 - Michael Savage

Britain's information watchdog has ordered an urgent overhaul of data security in the health service...Over the last six months, the ICO has been forced to take action against 14 NHS institutions for breaching data regulations.

**The Financial Times**, 27 November 2009 - James Boxell

The protection of customer data must become a "board-level issue" for companies or they could face stiff fines from a tougher Information Commissioner's Office.

**British Medical Journal**, 6 June 2009 - Anne Gulland

The Information Commissioner has written to the Department of Health to demand that action be taken over the lax treatment of personal data in the NHS.

**The Sun**, 19 November 2009 - Clodagh Hartley

Christopher Graham, who is responsible for safeguarding the use of personal information, vowed to close down the "unlawful industry in personal data" and said law breakers should be jailed.

**The Daily Express**, 10 February 2010

A Labour Party phone campaign that sent unsolicited messages to almost half a million people breached privacy rules, the information watchdog ruled yesterday.

**The Daily Telegraph**, 20 December 2009

Mr Graham said that he would take a 'fierce' approach to overly secretive authorities. He warned that some public bodies were still 'dragging their feet' in complying with the Freedom of Information Act.

**Chartered Secretary**, 1 May 2009

The Information Commissioner's Office has warned public authorities that it has started monitoring them to ensure compliance with the model publication scheme.

## Summary financial statement for the year ended 31 March 2010

## Statement of the Information Commissioner

Statement of the Information Commissioner	43
Statement of the Comptroller and Auditor General to the Houses of Parliament	44
Summary financial statement	46

This summary Financial Statement is a summary of information extracted from the full annual accounts and does not contain sufficient information to allow for a full understanding of the financial affairs of the Information Commissioner. For further information, the full annual accounts and the auditor's report on those accounts should be consulted. These are available free of charge on request from the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or the website [www.ico.gov.uk](http://www.ico.gov.uk).

The full accounts were signed by the Information Commissioner on 21 June 2010.

The C&AG has issued an unqualified certificate on the full annual financial statements, the auditable part of the remuneration report and on the consistency of the Governance and Foreword section of the Annual Report with those annual financial statements. The C&AG did not report on any matters by exception.

**Christopher Graham**  
Information Commissioner  
21 June 2010

# Statement of the Comptroller and Auditor General to the Houses of Parliament

I have examined the Summary Financial Statement of the Information Commissioner comprising a Net Expenditure Account for the year ended 31 March 2010, a summary Statement of Financial Position as at that date, reconciliation of the First Time Adoption of the International Financial Reporting Standards and a summary of the remuneration to the Information Commissioner and senior officials.

## **Respective responsibilities of the Information Commissioner and Auditor**

The Information Commissioner is responsible for preparing the Summary Financial Statement in accordance with applicable United Kingdom law.

My responsibility is to report to you my opinion on its consistency of the summary financial statement and its compliance with the relevant requirements of the Government Financial Reporting Manual (FRoM).

I also read the other information contained in the Summary Financial Statement and consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the summary financial statement.

I have conducted my work in accordance with Audit Bulletin 2008/3 issued by the Auditing Practices Board. My certificate on the full Annual Report and Accounts of the Information Commissioner describes the basis of my opinion on those financial statements, the remuneration report and Financial Statements: Foreword and Governance section of the Annual Report.

## **Opinion**

In my opinion the Summary Financial Statement is consistent with the full Annual Report and Accounts of the Information Commissioner for the year ended 31 March 2010 and complies with the applicable requirements of the FRoM.

## **Amyas C E Morse**

### **Comptroller and Auditor General**

National Audit Office, 157-197 Buckingham Palace Road,  
Victoria, London, SW1W 9SP  
23 June 2010

## Summary financial statement

Net expenditure account for the year ended 31 March 2010	2009-10		RESTATED 2008-09	
	£'000	£'000	£'000	£'000
<b>Expenditure</b>				
Staff costs		10,693		9,297
Depreciation	921		540	
Other expenditure	7,206		7,316	
		8,127		7,856
		18,820		17,153
<b>Income</b>				
Income from activities		(13,192)		(11,310)
Other income		(17)		(50)
		(13,209)		(11,360)
<b>Net expenditure</b>		5,611		5,793
Interest receivable		(1)		(43)
<b>Net expenditure after cost of capital charge and interest</b>		5,610		5,750

First time adoption of IFRS (International Financial Reporting Standards)	£'000
Net expenditure for 2008-09 reported under UK GAAP	(5,785)
<b>Adjustments for:</b>	
IAS 18 Revenue recognition	209
IAS 19 Employee benefits	(118)
Cost of capital	(95)
Net expenditure for 2008-09 reported under IRFS	(5,789)

## The salary of the Information Commissioner and most senior officials was:

	2009-10 £'000	2008-09 £'000
<b>Christopher Graham</b> Information Commissioner (from 29 June 2009)	105-110	-
<b>Richard Thomas</b> Information Commissioner (to 28 June 2009)	30-35	150-155 (Restated)
<b>David Smith</b> Deputy Commissioner for data protection	70-75	70-75
<b>Graham Smith</b> Deputy Commissioner of freedom of information	80-85	75-80
<b>Simon Entwisle</b> Director of Operations	80-85	75-80
<b>Susan Fox</b> Director of Corporate Affairs	55-60	50-55
<b>Victoria Best</b> Director of Organisational Development	50-55	50-55

Annual salaries in the band £10,000-£15,000 were paid to each of the Non-Executive Board Members.

## Statement of financial position

	31 March 2010 £'000	RESTATED 31 March 2009 £'000
<b>Non-current assets</b>		
Property, plant and equipment	3,282	2,548
Intangible assets	76	36
<b>Total non-current assets</b>		3,358
<b>Current assets:</b>		
Trade and other receivables	530	737
Cash and cash equivalents	377	305
<b>Total current assets</b>		907
<b>Total assets</b>		4,265
<b>Current liabilities</b>		
Trade and other payables		(831)
<b>Total current liabilities</b>		(831)
<b>Non-current assets plus net current assets</b>		3,434
<b>Non-current liabilities</b>		
Provisions		(8)
<b>Assets less liabilities</b>		3,434

## First time adoption of IFRS (international Financial Reporting Standards)

	£'000
Taxpayers' equity at 31 March 2009 reported under UK GAAP	(2,948)
<b>Adjustments for:</b>	
IAS 18 Revenue recognition	5,950
IAS 19 Employee benefits	(238)
Taxpayers' equity at 31 March 2009 reported under IFRS	2,764

If you would like to contact us please call: 0303 123 1113

[www.ico.gov.uk](http://www.ico.gov.uk)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**ico.**

Information Commissioner's Office