Information Commissioner's Office

Good Practice Department

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What is good practice?

- What the DPA says?
  - Good practice is defined as such practice for processing personal data as appears to be desirable. Includes, but is not limited to, compliance with the requirements of the act
- What does this mean in practice?
  - Efficient, effective, robust policies and procedures exist and are working in practice to ensure information is handled correctly and the organisation is aware of, and fulfilling, its obligations

Good practice audit programme

- Seen as being key to educating and assisting organisations to meet their obligations
- Risk based focussed on ICO areas of priority - audits are targeted to where research and ICO business intelligence identifies organisations that may benefit most from our assistance
- Use audit, assessment and practical advice and recommendations to improve the way organisations deal with information rights issues
- Assist the ICO to share knowledge and promote good data protection practice through publishing audit outcomes
- Allow organisations to show their commitment to, and recognition of, the importance of data protection

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Audits: consensual and compulsory

- So far, all of our audits have been consensual – i.e. scope and time agreed with the data controller or point of contact
- Consensual audits extend to the following of good practice – including the Act, codes of practice and guidance
- Now have powers to conduct ‘compulsory’ audits following the issue of an Assessment Notice (section 41A of DPA).
- For this we have developed a Code of Practice
- Strategy is to actively seek consensual audits wherever possible

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Audits & Enforcement

- Not intended that audits will lead to formal enforcement action – seen as a way of encouraging compliance and good practice
- The Information Commissioner will **not** impose a monetary penalty as a result of non-compliance discovered in the course of an audit
- However, where a breach occurs, ICO guidance on monetary penalties considers refusal of an audit which could reasonably have been expected to reveal relevant risks to be an aggravating factor
- Also, reserve the right to use powers in case of any identified major non-compliance where the data controller refuses to address a recommendation within an acceptable timescale
- Note: failure to comply with the terms of an assessment notice will be grounds for a judge to issue a warrant for entry and inspection under Schedule 9 of the Act

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Tasking & Co-ordinating

- Monthly meeting with Enforcement (pre project Eagle)
- Monthly meeting of Operations with Policy Delivery and Strategic Liaison (project Eagle)
- Discuss serious concerns about organisation's information rights practice
- Sector specific
- Decide actions to be taken

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Advisory visits

- Launched December 2011 – over 700 volunteers to date
- Aimed at small to medium sized organisations
- 1 day short, informal advisory visit, 1 person
- Short report provided within one week and outcome reports for sectors, e.g. charities, community organisations
- Make more effective use of Good Practice resource

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Workshops

- Piloted during 2013 and aimed at small to medium sized organisations and targeted at non specialists
- Free 1 day short interactive format 15-40 attendees
- Opportunity to work alongside experienced ICO staff
- Resources to be made available
- Summary of resources and guidance referenced

Information Risk Reviews

- Less formal than audit, more formal than AV
- Specific scope informed by referral from T & C
- 1 person, maximum 2 days
- Report highlighting recommendations on priority basis

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Self Assessment

- Project to produce online tools to allow data controllers to assess their own data protection compliance
- No direct ICO involvement
- Local authority (governance scope) developed and currently being tested
- SME version – first prototype being produced

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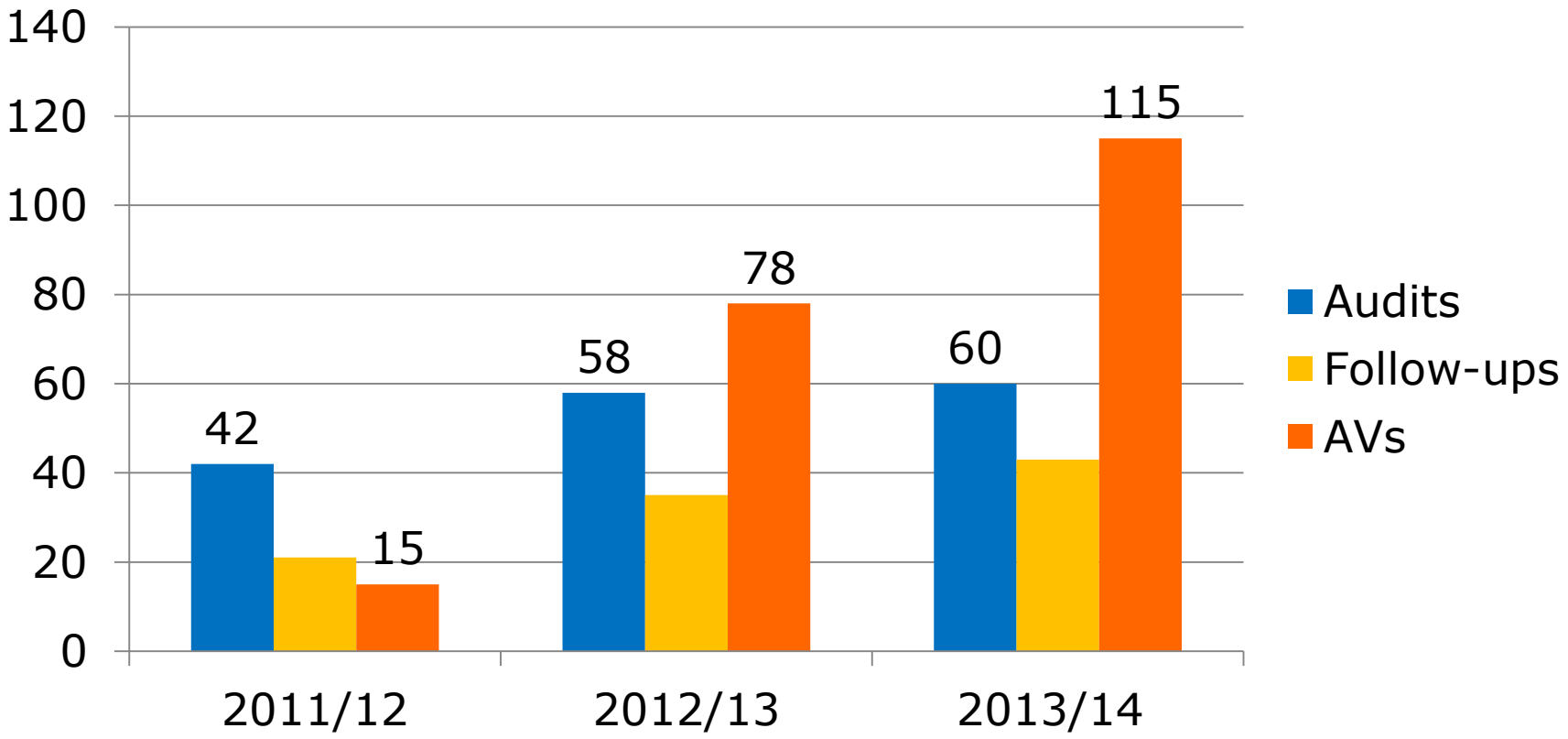
Audits, follow-ups & AVs completed



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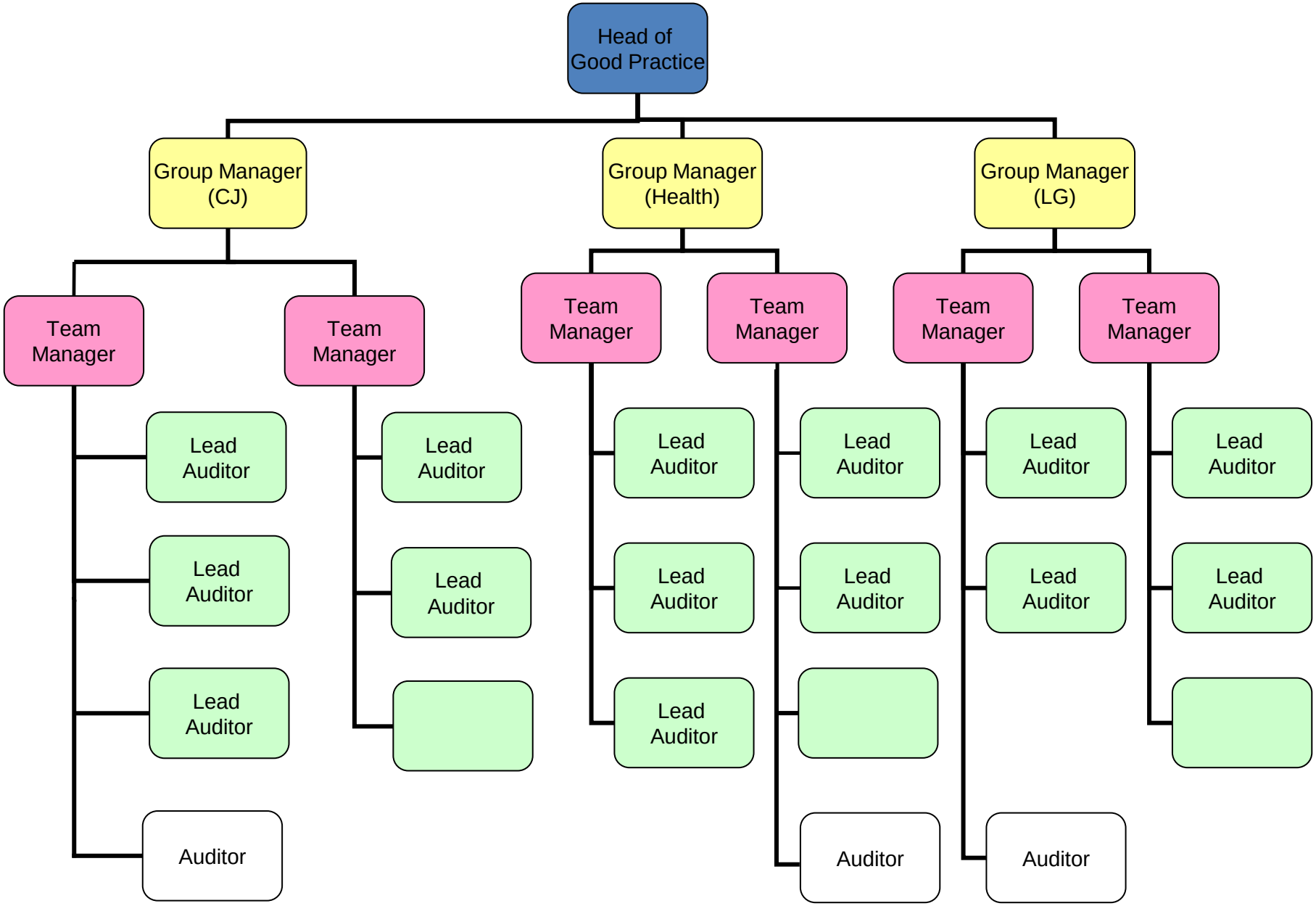
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Group Manager (Health)
Group Manager (LG)
Team Manager
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Lead Auditor
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