

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



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*Dear Mr Parker*

**Promoting openness by public bodies and data privacy for individuals: An information rights strategy for the Information Commissioner's Office**

Thank you for the opportunity to comment on the proposals set out in the above document.

As Parliamentary and Health Service Ombudsman (PHSO) my role is to consider complaints that government departments, a range of other public bodies in the UK (including the Information Commissioner's Office), and the NHS in England, have not acted properly or fairly or have provided a poor service. We aim to provide an independent, high quality complaint handling service that rights individual wrongs, drive improvements in public services and informs public policy.

PHSO is listed as a public authority for the purposes of the Freedom of Information Act 2000 and is registered as a data controller.

I welcome the publication of the information rights strategy which provides explanation and clarity for stakeholders, including PHSO, of what the Information Commissioner's Office (ICO) is seeking to achieve and the approach you will take to achieve it. I note its contents and wish to comment on the following:

**Section 4: The outcomes we are seeking**

In 2009 I published the *Ombudsman's Principles*, which include the *Principles of Good Administration*. These principles draw on over 40 years' experience of investigating and



Millbank Tower  
Millbank  
London SW1P 4QP

Telephone: 0300 061 4211  
Fax: 0300 061 4067

Email: [aaprivateoffice@ombudsman.org.uk](mailto:aaprivateoffice@ombudsman.org.uk)

[www.ombudsman.org.uk](http://www.ombudsman.org.uk)

reporting on complaints to propose a clear framework within which public bodies should seek to work. One of those principles is *getting it right*, which means, among other things, that public bodies should act in accordance with the law and with regard for the rights of those concerned and take proper account of established good practice. I am pleased to see, therefore, that three of the specific outcomes you are seeking are:

- organisations routinely meeting their legal obligations in the way they respond to people exercising their rights;
- a high level of awareness in organisations of all their wider obligations under information rights law with those obligations routinely met in practice; and
- good information rights practice embedded into the culture and day-to-day processes of organisations.

### **Section 5: Achieving our outcomes**

I note that you will adopt a positive and proactive approach to ensuring compliance by:

- helping and encouraging organisations to understand and meet their information rights obligations; and
- responding proportionately to breaches of information rights law.

You explain that education, awareness raising and the provision of guidance are key activities in maximising your impact (section 5.5).

This point is echoed in section 6 - Our tactics - where you state that you will use your casework to best advantage, learning from it and using it as an opportunity to influence and educate organisations in good information rights practice.

I welcome this approach and share your confidence that it will minimise both the need for you to intervene and any burden on responsible organisations. Good administration by public bodies also means *seeking continuous improvement*. Your plans should ensure that public bodies learn lessons from the complaints you receive and that they can call on your expertise to improve services and performance.

I also welcome your commitment to developing an understanding of how those you regulate operate and the effect your interventions have on them. We have already seen the benefits that can be brought about by employing such an approach. Over the past couple of years PHSO and the Information Commissioner's Office have worked hard to

develop and implement an agreed set of principles that reflect our respective jurisdictions and the interaction between the relevant legislation that comes into play when dealing with information rights. Through this work we have achieved a better understanding of the challenges each of us face and how we can work together to bring about good practice.

### **Section 6: Our tactics**

Following on from the point above, I see that one of your tactics will be to make efforts to better understand the impact your interventions have on those you regulate and take this into account in ensuring you act proportionately in the demands you make of them. One of the *Principles of Good Administration* is *acting fairly and proportionately*, which includes ensuring that decisions and actions are proportionate, appropriate and fair. It is right that you use your full range of powers to address situations where organisations significantly fail to live up to their information rights responsibilities. However, it is equally important that those who seek to live up to those responsibilities are helped and encouraged, particularly so where the legislative landscape is complex and constantly evolving.

### **Section 7: Measurement and evaluation**

I note that one of the ways in which you will measure your effectiveness is through stakeholder perception studies. PHSO would ask to be included in any such research.

I trust these comments have been helpful. Please contact Rebecca Milner on 0300 061 1507 if you would like any further information.

*Yours sincerely*



Ann Abraham  
**Parliamentary and Health Service Ombudsman**