

## Comments by the Centre for Information Policy Leadership to the UK Information Commissioner’s Accountability Framework

Response to public consultation submitted via email on 30 October 2020

On 17 September 2020, the UK Information Commissioner’s Office (ICO) launched its Accountability Framework, which is currently in its beta phase.<sup>i</sup> The ICO invited the public to respond to an online survey by 2 November 2020.<sup>ii</sup>

The Centre for Information Policy Leadership (CIPL)<sup>iii</sup> has previously submitted inputs and recommendations to the ICO Accountability Framework via the ICO’s first public consultation in November 2019<sup>iv</sup>, as well as via a workshop with CIPL members organised in CIPL’s London office on 11 February 2020. CIPL welcomes the opportunity to submit further inputs to the beta phase of the ICO Accountability Framework via this short document.

### COMMENTS

Overall, CIPL believes that the ICO accountability toolkit is excellent and practical to organisations and have only a small number of comments and suggestions outlined below:

- It would be helpful if the Contracts and Data Sharing section of the Accountability Framework also made **reference to government requests for access to personal data** and whether they could be addressed as part of data sharing agreements, in particular due to the increased importance of this topic as a result of the decision of the Court of Justice of the European Union in the *Schrems II* case.
- **The ICO could consider developing case studies** outlining concrete examples of how organisations, including SMEs, can use the toolkit in various contexts (e.g. when establishing their data protection compliance programme, when reviewing key aspects of such programme, when planning privacy by design processes).
- We believe that the **technical aspects of the toolkit and its user experience** is key to its success. It would be useful if organisations were able to download/port the results of their online self-assessment in the more detailed downloadable spreadsheet. Also, the ICO should make sure that the online self-assessment is in line with the downloadable spreadsheet, e.g. question 6.9 of the online self-assessment tool aligns with 6.8 of the downloadable spreadsheet. Finally, the ICO could consider further integration between the tools, such as by adding hyperlinks that would direct people using the downloadable spreadsheet to the relevant sections of the Accountability Framework.
- Finally, the ICO should consider **aligning the ICO Accountability Framework and the Guide to the GDPR**, as it would make it easier for organisations to use them together. Alternatively, the ICO could explain in both resources why they are not aligned. For ease of reference, we have mapped both resources below:

ICO Guide to the GDPR - Accountability	ICO Accountability Framework
Data Protection Officers	Leadership & Oversight
Data Protection by Design & Default	Policies & Procedures
	Training & Awareness
	Individuals’ Rights

ICO Guide to the GDPR - Accountability	ICO Accountability Framework
	Transparency
Documentation	ROPA & Lawful Basis
Contracts	Contracts & Data Sharing
DPIAs	Risks & DPIAs
	Records Management and Security
	Breach Response & Monitoring
Code of Conduct	
Certification	
Data Protection Fee	

CIPL is grateful for the opportunity to comment on the ICO's Accountability Framework and hopes the above will prove useful to the ICO. We remain at the ICO's disposal to partner further on the development of this framework and of other initiatives.

If you would like to discuss any of these comments and require additional information, please contact Bojana Bellamy, [bbellamy@huntonAK.com](mailto:bbellamy@huntonAK.com); Nathalie Laneret, [nlaneret@huntonAK.com](mailto:nlaneret@huntonAK.com); or Giovanna Carloni, [gcarloni@huntonAK.com](mailto:gcarloni@huntonAK.com).

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<sup>i</sup> ICO Blog: Accountability Framework: demonstrating your compliance, 17 November 2020. Available at <https://ico.org.uk/about-the-ico/news-and-events/blog-accountability-framework-demonstrating-your-compliance/>.

<sup>ii</sup> Accountability Framework – beta phase online survey. Available at <https://wh.snapsurveys.com/s.asp?k=159499456475>.

<sup>iii</sup> CIPL is a global data privacy and cybersecurity think tank in the law firm of Hunton Andrews Kurth based in Washington D.C., Brussels and London. CIPL's mission is to engage in thought leadership and develop best practices that ensure both effective privacy protections and the responsible use of personal information in the modern information age. CIPL's work facilitates constructive engagement between business leaders, privacy and security professionals, regulators and policymakers around the world. For more information, please see CIPL's website at <http://www.informationpolicycentre.com/>. Nothing in this submission should be construed as representing the views of any individual CIPL member company or of the law firm of Hunton Andrews Kurth.

<sup>iv</sup> CIPL Response to the UK ICO's Accountability Toolkit Consultation, 27 November 2019. Available at [https://www.informationpolicycentre.com/uploads/5/7/1/0/57104281/cipl\\_response\\_to\\_the\\_icos\\_accountability\\_toolkit\\_consultation\\_11.27.19.pdf](https://www.informationpolicycentre.com/uploads/5/7/1/0/57104281/cipl_response_to_the_icos_accountability_toolkit_consultation_11.27.19.pdf).