

Appraisal and Selection Policy

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Key messages

This policy is about how the Information Commissioners Office (ICO) will meet its statutory obligation as a public record body under the terms of the Public Records Act 1958 (PRA). This policy covers:

- The history of the ICO and our public task
- Our approach to appraisal and selection
- The records we hold that will and will not be selected for permanent preservation

Does this policy relate to me?

This policy applies to all ICO staff.

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1. Introduction

1.1. The PRA requires the ICO to:

- Select records for permanent preservation, guided and supervised by the Keeper of Public Records.
- Ensure the safekeeping of records.
- Transfer selected records to The National Archives or an approved place of deposit by the due date. This applies unless they need to be retained. In this case, the approval of the Secretary of State for Digital, Culture, Media and Sport must be obtained.
- Carry out formal applications for retention and closure through The National Archives. These are reviewed by The Advisory Council on National Archives and Records.
- Dispose of records not selected for preservation by destruction or presentation to another institution.

- 1.2. This high level methodology sets out how the ICO approaches appraisal and selection and will be supported by additional training and guidance resources.

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2. History of the ICO and our Public Task

- 2.1. The ICO is the UK's independent regulator set up to empower through information. Established in 1984 as the Data Protection Registrar, the name of the office was changed to the Data Protection Commissioner in 2000. In 2001 the office was given added responsibilities and changed its name to the Information Commissioners Office.
- 2.2. The ICO is currently an executive non-departmental public body sponsored by the Department for Science, Innovation and Technology and is responsible for regulating the:
- Data Protection Act 2018
 - UK General Data Protection Regulation
 - Freedom of Information Act 2000
 - Environmental Information Regulations 2004
 - Privacy and Electronic Communications Regulations 2003
 - Network and Information Systems regulations 2018
 - Infrastructure for Spatial Information in the European Community Regulations 2009
 - Re-use of Public sector Information Regulations 2015
 - Investigatory Powers Act 2016
 - Electronic Identification and Trust Services for Electronic Regulations 2016
 - Enterprise Act 2002

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3. Our Approach to Appraisal and Selection

- 3.1. The ICO appraises and selects records for permanent preservation in line with [The National Archives Records Collections Policy](#). Records selected are those that have long term historical value and show the significance of the functions and activities of the ICO.
- 3.2. Appraisal and selection decisions are made at the highest possible level, initially at a department or function level, and then at series level. File level appraisal is avoided wherever possible and only carried out when absolutely necessary.
- 3.3. Decisions about permanent preservation are made at the earliest possible opportunity with all ICO staff being responsible for identifying and preserving records that have long term historical value.

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4. Our Records

- 4.1. ICO records are organised according to function and we create both corporate and regulatory records. At a high-level our Corporate Records include the following functions:
 - Human resources
 - Business premises
 - IT and business services
 - Finances
 - Constitution and governance
 - Management decisions

- Contracts

Our Regulatory Records relate to the following functions:

- Enquiries and advice
- Complaint handling
- Policy research and guidance development
- Stakeholder engagement
- Public communications
- Published guidance and resources
- Investigations and regulatory action

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5. Records We Select for Permanent Preservation

5.1. The ICO selects both corporate and regulatory records for permanent preservation that document its contribution to:

- The principal policies and actions of the UK central government and English and Welsh governments
- The structures and decision-making processes in government
- The state's interaction with the lives of its citizens

5.2. Selection is primarily from the following functions:

<p>1. Constitution and governance</p>	<p>Records showing changes to the high level structure of the ICO and its responsibilities such as office wide strategic plans and correspondence with its sponsor department in government.</p>
<p>2. Management decisions</p>	<p>Records that show decisions made at senior levels of the ICO such as</p>

	Management board, Senior Leadership Team and Executive Team minutes.
3. Enquiries, advice and complaint handling	High profile casework. Upper tribunal and court of appeal cases.
4. Stakeholder Engagement, Policy research and guidance development	Interactions with key stakeholders in relation to interpreting Data Protection and Freedom of Information Acts, Codes of Practice relating to acts, legislative development and significant internal advice. Legal Advice to the Commissioner (where it is directly related to information rights policy).
5. Public communications and published guidance and resources	Communications to the public through official ICO channels such as the ICO website and social media.
6. Investigations and regulatory action	Civil monetary penalty cases, PECR Breach logs. Section 170 DPA and Section 77 FOIA.

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6. ICO Website and Social Media Channels

6.1. ICO web material has been captured by The National Archives from our website since 2006 as part of the UK Government Web Archive. Firstly as ico.gov.uk and from 2013 onwards as ico.org.uk. The website is currently captured multiple times per year. The National

Archives is also capturing the ICO [Twitter feed](#) and [YouTube channel](#).

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7. Records We Don't Select for Permanent Preservation

- 7.1. We don't select records for transfer to The National Archives or another approved place of deposit that have no enduring historical value and fall outside the scope of The National Archives records collection policy. Records from the Human Resources, business premises, IT and business services, finances and contracts functions will usually not be required for permanent preservation.
- 7.2. In addition none of our current functions have datasets that meet the selection criteria for permanent preservation. We retain these records only for as long as is needed for business, legal or historical purposes and records that are no longer required are disposed of in line with our [Retention and Disposal Schedule](#).

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Feedback on this document

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Version history

Version	Changes made	Date	Made by
0.1	Draft	21/07/2021	Steven Johnston
1.0	Published	17/02/2022	Iman El Mehdawy
1.1	Addition of sentence about datasets to section 7.	03/08/2022	Steven Johnston
1.2	Content moved to new template, minor formatting changes	07/07/2022	Ben Cudbertson
2.0	Annual review. ICO purpose changed in paragraph 2.1 to reflect ICO25 purpose. Explanation of constitution and governance in 5.2 expanded.	09/02/2022	Steven Johnston
2.1	Removed mention of DCMS as our sponsor department following recent government restructure.	16/02/2023	Ben Cudbertson
2.2	Formatting changes to meet accessibility requirements	26/04/2023	Ben Cudbertson
3.0	Annual review. No change.	01/02/2024	Rosie Simpson

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