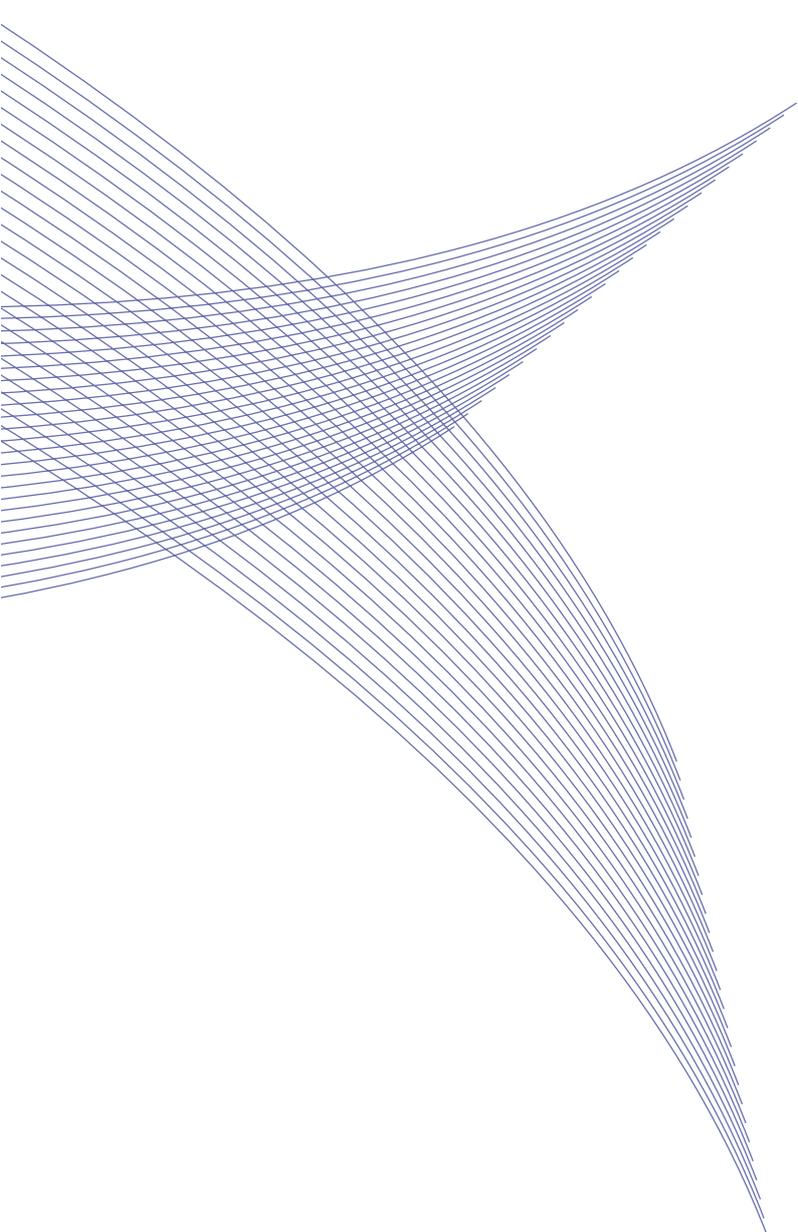


The Information Commissioner's Office Annual Report 2004-2005



Presented by the Information Commissioner to Parliament pursuant to Section 52(1) of the Data Protection Act 1998 and Section 49(1) of the Freedom of Information Act 2000 and Schedule 5 paragraph 10(2) to the Data Protection Act 1998.

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Promoting public access to official information
and protecting your personal information



Information Commissioner's Office

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Information Commissioner's foreword



Richard Thomas
Information Commissioner

“Knowledge is power” – this familiar phrase underlines the fundamental importance of both freedom of information and data protection as the 21st century gets into its stride. It also highlights the common threads between the two. They differ, in that freedom of information brings official information into the open, while data protection safeguards personal information. But they are also similar, in that both are focused on good practice in handling information and both create important access rights to it.

Freedom of information brings knowledge to the people - who must be the ultimate custodian of power in any genuine democracy. It allows people to see what government, at every level, is doing on their behalf and with their money. Transparency is crucial to accountability. The principles and rights available under freedom of information laws provide a powerful reminder that governments serve the people, not the other way round.

In parallel, data protection stops too much information about our personal lives ending up in the hands of governmental, commercial and voluntary organisations. It is essential to restrain the power which comes with too much knowledge about our private lives. Data protection erects barriers in the way of a surveillance society. It is needed to ensure that our personal information is used for intended purposes, is accurate, is kept up to date and is kept secure.

Freedom of information and data protection laws are not just legal impositions. Responsible organisations see these matters in terms of enlightened self-interest. No sensible organisation wants to antagonise citizens or customers by disrespecting their private lives. Public bodies want to serve the public well, and most are proud to proclaim open and transparent values.

As Information Commissioner, I am entrusted with the promotion of good practice for freedom of information and data protection, and the enforcement of the rules. I have made it clear that my approach is to use carrots where possible, but to be ready to use the sticks where necessary. Our approach to data protection has been re-defined to help make it easier for the majority of organisations which seek to handle personal information well - and tougher for the minority who do not. Likewise, we must be both robust and responsible with our freedom of information responsibilities – commanding public and organisational confidence and getting well down the road towards a genuine “open government” culture.

The full rights available under the Freedom of Information Act, and the companion Environmental Information Regulations, came into force in January 2005. Our experience with complaints is therefore limited, but it is already clear that the new laws are making a major difference. At every level of public life, a great deal of material has been published which has

never before seen the light of day. It has not been easy for some organisations – struggling with significant volumes and difficult judgements - but the majority are taking the matter seriously. This is really welcome. The success of these laws will not be judged by how many requests are made or complaints upheld, but by the readiness of public bodies to release information, proactively or on request, wherever possible. More and more are already finding that unnecessary secrecy fuels distrust – “something to hide” – and that people will be a great deal more tolerant of mistakes or embarrassment than cover-up or suppression.

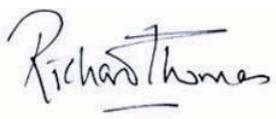
Making data protection as simple as possible is not easy. The detailed laws can be difficult to understand, but the basic principles are not complicated and are almost universally supported. Sadly, far too often we hear the cry “We can’t do this because of data protection” where lazy or incompetent organisations wish to hide behind a false excuse. The law very rarely stops a valid activity altogether. Rather it regulates how information should be handled so that there are no surprises and no mistakes. As an Office, we are going through a process of change to draw clearer distinctions between our differing data protection responsibilities – promoting good practice, providing advice, resolving complaints where we can offer a remedy and taking purposeful regulatory action.

This report sets out our approach and highlights some of the areas where we have succeeded in making a difference. It has been a year of substantial upheaval. Freedom of information – the new sibling for a mature data protection organisation - has increased our size significantly and enlarged our role and our profile. We have engaged in controversial debates about risks to privacy and personal information. The business transformation programme is radically re-shaping our structure and procedures. Electronic case-handling has arrived. We are generating better information to demonstrate customer satisfaction and our own efficiency. Our regional offices are becoming more firmly established. We are improving leadership and management skills across the office.

Compliance with the law is not a goal in itself. Our overall objective is to achieve, cost-effectively and with minimum burden, the outcomes for which we exist:

- Getting official information into the open unless there are good reasons for non-disclosure; and
- Ensuring that personal information is properly protected.

With excellent, committed and enthusiastic staff, we are succeeding. We have both the power and the knowledge.



Richard Thomas

INFORMATION COMMISSIONER

Promoting public access to official information and protecting your personal information

The role of the Information Commissioner's Office

The Information Commissioner Office (ICO) is the UK's independent public body set up to promote access to official information and protect personal information. The ICO does this by providing guidance to individuals and organisations, solving problems where we can, and taking appropriate action when the law is broken.

We provide guidance to data protection and freedom of information practitioners to promote compliance with the law and the following of good practice. Our Helpline gives guidance and advice to organisations and members of the public. We investigate complaints from people who believe they have been affected by those breaking the law and, if necessary, we will take legal action to ensure the law does not continue to be broken. Reporting directly to Parliament, the Commissioner's powers include the ability to order compliance, using enforcement and decision notices, and prosecution.



Your right to know – Freedom of Information and Environmental Information

Freedom of Information

The Freedom of Information Act gives people the right of access to information held by over 100,000 public authorities across the UK. Aimed at promoting a culture of openness and accountability, it enables better understanding of how public authorities carry out their duties, why they make the decisions they do and how they spend public money.

Our role

The Information Commissioner's main responsibilities under the Act are to:

- Promote good practice by public authorities in the observance of the Act;
- Inform the public about the Act;
- Approve publication schemes, including model schemes;
- Consider complaints about any alleged failure to comply with the Act;
- Issue decision notices and exercise enforcement powers to ensure compliance.

As independent referee, the Information Commissioner ensures information is released where it is required under the law. Our approach is to be reasonable, responsible and robust, recognising that greater openness should strengthen, not undermine, effective government.

New Year, New Start - the launch of the Act

Building on work in previous years, our campaign to prepare public bodies for freedom of information continued in earnest throughout 2004. Using media relations, publications, seminars and speaking events, we communicated with public bodies in the health, education, central and local government, and criminal justice sectors, while giving practical advice on how best to prepare. We warned public authorities that they had no excuse not to be ready for the Act, and emphasised that freedom of information marked the move from a need to know to a right to know culture. Around 90 per cent of media articles were positive about the ICO, while the remaining articles were neutral. Over the Christmas period alone, over 80 different articles on freedom of information appeared in the press, and staff did around 30 broadcast interviews in the run up to Christmas. By March 2005, 47 per cent of the public said they were aware of the Act.



The Financial Times 31 December 2004

“The watchdog who will police the new freedom of information regime is preparing for a turbulent year. Richard Thomas, the information commissioner, is only too aware that forcing government departments to reveal sensitive information or, conversely, his agreeing to the withholding of secret information, could make him powerful enemies”.

The Guardian 31 December 2004

“When disclosure is refused, there is an appeal process to the information commissioner, Richard Thomas, who in his administration of the Data Protection Act has shown a welcome readiness to take a robust approach”.

Out in the open

The Freedom of Information Act is already making a significant difference to public life. Many people – from citizens, consumers and employees to campaigners, journalists and politicians - have used the Act to request information. Other people are using it to understand how their tax payments have been spent. Some people are using it to understand or challenge decision-making in public bodies. In some cases, the information is helping to further a campaigning cause or improve public services.

The diversity of information put into the public domain during the first three months as a result of the Freedom of Information Act is illustrated by these examples:

Government

- Visitors entertained by the Prime Minister at Chequers;
- Cost and use of official cars;
- Compensation paid to IRA suspects;
- Attempts to stop Zimbabwe cricket tour;
- EU subsidies paid to farmers.

Health and safety

- Surgeons' performance records;
- Security breaches at nuclear sites;
- NHS use of private hospitals;
- Trials of new medicines;
- CJD links with school dinners.

Transport

- Local Authority income from parking fines;
- Costs of transport projects, such as the second runway at Stansted Airport and the scrapped Supertram project in Bristol;
- Location of speed cameras.



Environmental Information

The new Environmental Information Regulations also came into force on 1 January 2005. They provide a separate means of access for people who want environmental information, and they differ from the Freedom of Information Act in that they cover more organisations (including some private sector bodies) and have fewer exceptions. The Information Commissioner has been given powers to promote and enforce them. Whilst people have been able to access environmental information held by public authorities since 1992, the new Regulations have introduced a number of changes, including reduction of the response time from two months to 20 working days. The Regulations apply essentially to the same public authorities covered by the Freedom of Information Act, as well as those other bodies who carry out activities or have responsibilities relating to the environment. This may include, for example, companies involved in energy, water, waste and transport. The new Regulations have broadened the definition of environmental information, which includes information on the state of the environment and on emissions and discharges, noise, energy, radiation and waste. The ICO has helped authorities to prepare by producing guidance, meeting user groups, giving presentations and providing an enquiry service. As with the Freedom of Information Act, our role is to ensure that information is released where it is required under the law.



How we've prepared

To prepare public bodies for the new legislation, the ICO published comprehensive guidance covering the whole Act. In the last year, we approved nearly 600 publication schemes. We gave around 130 talks and held meetings with bodies as diverse as Parish Councils, the Welsh Assembly and the Ministry of Defence. We also produced two leaflets for the public, on Publication Schemes and on how to make a complaint, complementing information produced by the Department for Constitutional Affairs. The Information Commissioner signed Memoranda of Understanding with the Keeper of Public Records, the Scottish Information Commissioner and with the Secretary of State for Constitutional Affairs (who signed on behalf of all government departments).

Internally, we have set up a new structure to manage the implementation of the Freedom of Information Act and the Environmental Information Regulations, and to monitor compliance. Three specialist teams have been set up to deal with complaints, good practice and strategic support.

Complaints resolution

This team handles complaints made about compliance with the Act, the Environmental Information Regulations and the Codes of Practice. The aim is to decide cases robustly and correctly, ensuring that we are user-friendly for applicants and command the confidence of public bodies. It is already clear that substantial numbers of requests for information were made to public bodies during the early months of 2005, many of which have been granted. The volume and nature of complaints to us has been (and continues to be) difficult to predict and it is not yet certain that we will have sufficient resources to handle the actual levels of complaints in a timely and acceptable way. The ICO has a range of tools it can use in the decision-making process: Decision Notices (our decision on a case), Information Notices (requiring more information on the issue) and Enforcement Notices (directing an organisation to amend its practices). We will also use Preliminary Notices in appropriate cases to inform the parties in dispute of our likely decision.

Promotion and Development

This team is responsible for promoting freedom of information, the Environmental Information Regulations, the Codes of Practice and for developing a culture of openness across the public sector. It establishes links, and fosters discussion, with public authorities including central government, local authorities, the police, health and education sectors, as well as with pressure groups and other users of access rights. It is also responsible for reviewing existing awareness guidance and policy, producing new guidance and developing new policy in the light of any decisions made by the Information Commissioner, the Information Tribunal and the Courts.

Strategic Support

This team ensures that the organisation makes an effective contribution to strategic policy work on freedom of information and the Environmental Information Regulations, nationally and internationally. It leads the development, approval of and compliance with publication schemes, and is also responsible for the development of management information and reporting criteria.

Protecting your personal information - Data Protection and Privacy and Electronic Communications

Data protection legislation in the UK is 21 years old. It has become a mature area of the law and regulatory landscape, recognised as an inherent right by many people. There is a great deal of courtesy and common sense in data protection law: it helps to protect the private lives of individuals by ensuring that organisations manage the personal information they hold in an appropriate way. It should prevent any unwelcome surprises for people about how their information is used. Organisations must keep the information accurate and up to date, they must only keep it for as long as they need it and they must keep it secure. It makes good business sense to ensure the information you hold about people is accurate and up to date (who wants to waste money on sending things to the wrong address?). In a survey we commissioned last year among small businesses, 80 per cent thought that data protection was relevant to them, agreeing 'absolutely' that personal information should be protected and that the principles of data protection are a 'good thing'. Our aim is to take a practical, down-to-earth approach, to make data protection easier for the majority of organisations who seek to handle information well, and to be tougher on the minority who don't.

Making a difference with education and guidance

The ICO aims to promote compliance by encouraging good practice and providing clear guidance. We have worked closely with organisations and representative bodies to achieve real changes towards more effective protection of personal information, and to make data protection responsibilities simpler to understand.

Making a difference - guidance on workers' health

We published new guidance on obtaining and handling information about workers' health in December 2004. The fourth and final part of the Employment Practices Data Protection Code, "Information about Workers' Health" will help employers comply with the Data Protection Act and encourage them to adopt good practice. The guidance aims to strike a balance between the expectations of workers that personal information about them will be handled properly, and the interests of employers in deciding how best, within the law, to run their own businesses. The code as a whole covers sickness and injury records, occupational health schemes, information from medical examination and testing, drug and alcohol testing and genetic testing.

Making a difference - credit industry takes steps to protect personal information

Representatives of the credit industry have changed their use of third party data when making lending decisions involving individuals. This means that when someone applies for credit, the lender only takes information about the applicant into account, together with information about other people who have a financial link to the applicant. Before this agreement, lenders also checked the credit records of other people in the applicant's household (such as husbands, wives, partners, children, or parents). This change brings the following benefits:

- Lenders no longer assume that there is a financial connection simply on the basis of a shared surname and address;
- Applicants for credit are judged only on their own financial situation and the situation of those with whom they have a direct financial connection;
- When customers request a copy of their credit file, the individual only sees their own credit data and not that of others in the same household.

Making a difference – new guide on personal information and credit

In October, we produced a new user-friendly guide explaining how to obtain and protect the financial information that could affect your credit rating. 'Credit explained' outlines in plain English your rights under the Data Protection Act. The step by step guide sets out how to obtain a copy of your credit file, how to interpret the information contained in it and what to do if any of the information is wrong or out of date.

Making a difference – Press Complaints Commission draws up data protection guidance for journalists

The Information Commissioner welcomed the publication of the Press Complaints Commission's guidance note on the Data Protection Act and journalism in March 2005. He commented: "I am very pleased that we have been able to work with the Press Complaints Commission to produce this advice. I think it is extremely important to draw the attention of editors and journalists to the very real risks of committing criminal offences under the Data Protection Act. It is important to note that it is not the case that journalists are only at risk of committing an offence where they obtain personal information by deception directly themselves. A journalist who pays a third party to obtain information by deception, or by paying an employee of an organisation to disclose information illicitly, may also commit an offence".

Influencing society - our view

The ICO has worked closely with other organisations to influence domestic and international policy debate on privacy issues. We have focused on areas where we can make a difference, with a particular emphasis on the risks of a surveillance society.

Our view - identity cards

Whilst we are not fundamentally opposed to the idea of identity cards, we do have particular concerns about possible impact on personal privacy of a comprehensive national identity register and a national identity registration number. In addition, a powerful data trail would be created when a card is checked, building a detailed picture of how each citizen lives. Therefore, the Commissioner has expressed concerns about:

- The extent of the personal information on the National Identity Register;
- The effects of creating a data trail of use of the card;
- The administrative and technical arrangements;
- The purposes for which the card and the Register can be used, both now and in the future; and
- Who may have access to them and for what purposes.

The Guardian editorial 31 July 2004

“True to his remit, the ever vigilant information commissioner Richard Thomas gave the most apposite warning about the government’s draft identification cards bill yesterday. Forget the cards and concentrate on the national database that lies behind them and the people who will have access to it”.





Our view - information sharing databases in children's services

The Information Commissioner recognises the importance of preventing and dealing with child abuse and the need for professionals to share information in appropriate cases. However, there is a real concern about the proposal to set up databases – or indexes – of all children, as outlined in the Children Act 2004. The Commissioner's concerns include:

- The rationale for such a far-reaching scheme remains ill-defined;
- There may be substantial difficulties in keeping the databases secure and up to date;
- There is considerable uncertainty, and potential for detriment, with "cause for concern" indicators;
- There are real risks that the privacy of children and parents will be compromised.

The Times editorial 15 August 2004

"Richard Thomas has the slightly Orwellian title of Information Commissioner. It is plain from his interview in The Times today, however, that his primary objective is preventing the emergence of a Big Brother Society The core point made by the Information Commissioner must be respected."

Our view - Information Commissioner's response to the Bichard Inquiry Report, June 2004

The Information Commissioner welcomed the findings of the Bichard Inquiry into the Soham murders. He was pleased that the Inquiry made it quite clear that the Data Protection Act was not the problem behind the deletion of Ian Huntley's records. The findings of the Inquiry have gone a long way to redress misleading comments. Of particular significance was the Inquiry's view that the police should build data protection requirements into a new code of practice on information management, rather than treat it as a discrete item. This is an approach that the Commissioner commends to others.

Our view- transfer of airline passenger details to foreign governments

Accurate identification of each of us is not only a measure to protect against terrorists, but also good personal data protection. The ICO is keen to ensure that the development of real-time systems for border control authorities (to check the identity of travellers and the validity of their passports and visas) will include security and privacy safeguards. The ICO has therefore helped the Organisation for Economic Co-operation and Development (OECD) in its work with the International Civil Aviation Organization (ICAO) to develop guidance in this area.

In January 2005, The ICO hosted a meeting in Manchester of OECD and ICAO experts. Following that meeting, guidance on the use of biometric identifiers in travel documents will be integrated into future work on the Enhanced International Travel Security Pilot Project, led by the United States. We have been working with data protection commissioner colleagues on the EU Article 29 Working Party to ensure that arrangements by foreign governments to access and record airline passenger reservation data will include appropriate safeguards.



Our view - spam

The Privacy and Electronic Communications Regulations 2003 prohibit the sending of unsolicited marketing emails to individual subscribers without prior consent. Responsible UK-based marketers have respected the new requirements and the industry is investing effort in seeking technical solutions. The ICO has been in talks with the Department of Trade and Industry who recognise the need to strengthen our enforcement powers to deal with the irresponsible minority. However, the Commissioner recognises the limits of regulation alone, especially where materials originate from outside the UK. There have been some initiatives to encourage co-operation between the various regulatory authorities – for example, the Information Commissioner has signed a Memorandum of Understanding with other relevant UK bodies and authorities in the USA and Australia. In the meantime, the Commissioner recommends that individuals take appropriate steps to reduce the risk of getting unwanted email, by seeking advice from their internet service provider.

Enforcement in action

Once the routes of education and influence have been tried, the ICO is prepared to use legal sanctions against those who ignore or refuse to accept their obligations. We adopt a firm and fair approach.



Enforcement in action – successful prosecution of private investigator

A man who ran an investigation agency was prosecuted by the ICO on five counts of obtaining personal information (contrary to section 55 of the Data Protection Act 1998). Evidence was obtained that calls were made from his offices to the Inland Revenue in Cardiff, to elicit information illegally. The defendant denied he had made the calls, claiming they were made by self-employed agents working for him. At Cardiff Magistrates Court he was convicted on the basis that he either knew what his self-employed agents were doing, or that, if he didn't know, he should have known, and a failure to know resulted from inadequate systems. He was fined a total of £2,500 (£500 per offence) plus £3,000 costs.

Enforcement in action – solicitor fined for not registering

The ICO successfully prosecuted a solicitor after his firm failed to notify under the Data Protection Act 1998. Following a guilty plea, he was fined £3,150 and ordered to pay £3,500 towards prosecution costs. The fine was later reduced on appeal to £1,000. Under the 1998 Act, organisations that process personal information may be required to notify with the ICO at a cost of £35 per year.

Enforcement in action – prison for Data Protection fraudsters

Two men were sentenced to a total of six and a half years' imprisonment at Burnley Crown Court in December 2004, after they pleaded guilty to conning businesses across the UK out of nearly £700,000. They were behind one of the bogus data protection agencies about which the ICO has received many complaints. These bogus agencies send out threatening letters to businesses demanding payments of between £95 and £135 to register under the Data Protection Act. We worked closely with Lancashire Police, providing information and evidence. Lancashire Police arrested and charged the men, who were successfully prosecuted.

Resolving your problems

Handing over your personal information is an everyday event for most of us – and we have the right to expect the organisations we trust with our information to manage it by sticking to some sensible rules. When they fail to do this, the ICO provides effective solutions, aiming to achieve results with co-operation, rather than compulsion.

Resolving your problems – bank improves security

A man complained to the ICO that, without his authorisation, his bank had changed his address details to those of his ex-partner, with the result that his personal financial information was being sent to his ex-partner. We investigated the case and asked the bank to review its security procedures, including addressing the complexities which arise when joint account holders split up. As a result of our assessment, the bank revised its data protection training for staff to ensure that customers' details are accurately and securely changed.

Resolving your problems – credit record corrected

Two years ago, Mr J encountered financial difficulties and was unable to meet the monthly repayments on his credit card. He agreed with his bank that he would make reduced payments for a year. By the end of this period, Mr J had managed to pay the debt off. Mr J then applied to a credit reference agency for a copy of his credit file. He was shocked to see an inaccurate entry, recorded by his bank, showing that he had not made the final payments and that his credit card account still had an outstanding balance. As Mr J had evidence that the debt was cleared, he asked his bank to change the record, but it remained on file. Mr J then made a complaint to the ICO. As a result, the entry on Mr J's credit file was updated and the bank offered £50 compensation.



Resolving your problems – customers approve policy renewals

Mr X complained to the ICO about the automatic renewal of his insurance policies. Mr X was unaware that details of the credit card he had used to pay his first insurance premiums would also be used for automatic renewal. We had received similar complaints and were concerned that this issue could affect many people: for example, the company could use the details of a closed or expired credit card account, or the credit card of parents paying the first insurance premiums for their children, or the joint cards of couples who had since separated. A meeting was held with the insurance company who agreed to alter their renewal procedure, to ensure that the customer's consent was obtained before the policy was renewed.

Protecting and promoting in practice

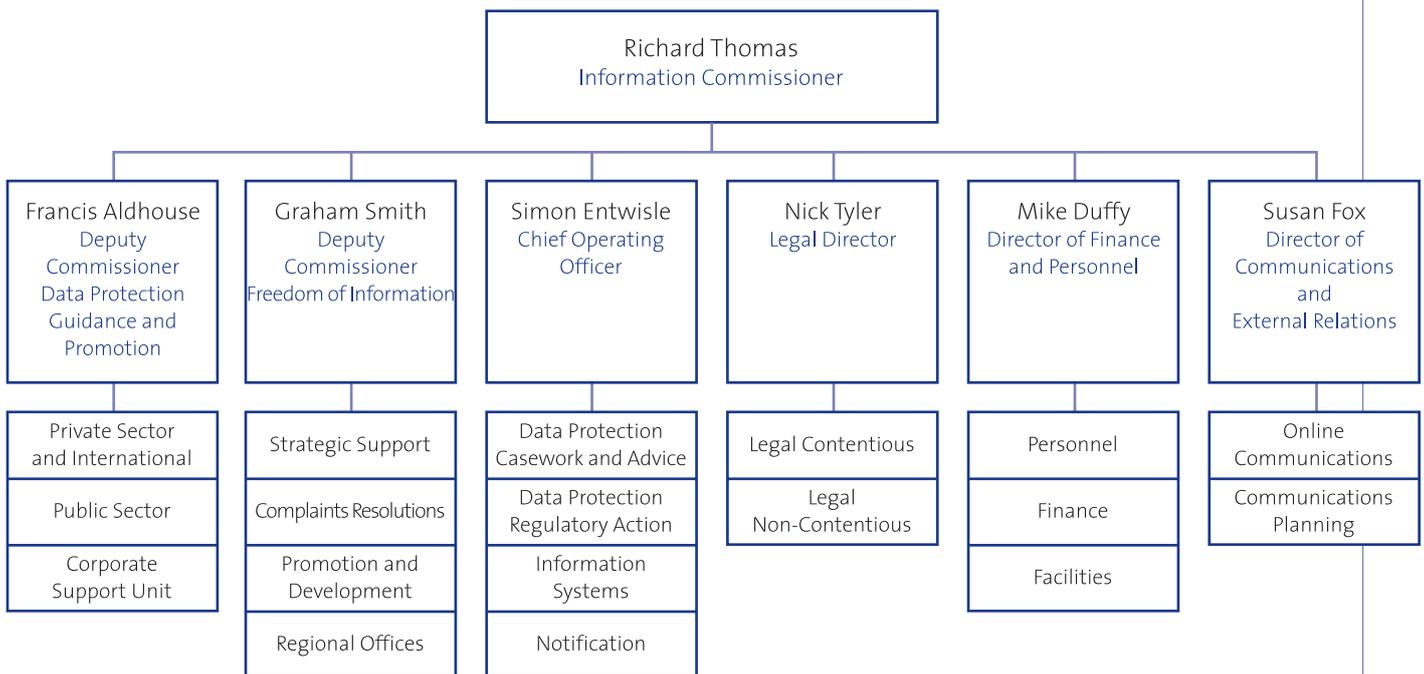
Our new structure

With the full implementation of the Freedom of Information Act, the ICO has grown this year. We have developed new ways of working to reflect the changes in our duties and to ensure we manage the continuing growth of the office effectively and efficiently. Our Corporate Plan, which we have revised for the period 2005-2008, shows how we intend to reach our aim of being a top of the class, influential, well-run and outward-looking organisation, delivering a real service to society.

In addition to creating and staffing a new structure to cater for the introduction of freedom of information, the organisation has also introduced a new structure to allow for greater specialism and clearer roles in our data protection work. Our three new divisions focus on complaints, regulatory action and good practice. The new Casework and Advice Division deals with complaints casework and enquiries; the Regulatory Action Division covers investigations and enforcement work; and the new Guidance and Promotion Division will develop data protection policy and produce guidance aimed at promoting good data protection practice.

This new structure will help us to take an increasingly practical, down to earth and robust approach to data protection work. We will help members of the public and data controllers by giving advice and guidance, while dealing firmly with organisations who ignore their obligations and do not apply the data protection principles appropriately.

Our new structure



Our staff

The focus of work this year has been on the transformation of the ICO in accordance with our Corporate Plan.

The changes involved a move to larger office accommodation in Wilmslow and an intense period of recruitment. During the year, 38 new staff joined the office and a further 40 changed their post, or were transferred or promoted internally. At the end of the year, 78 members of staff – that’s more than one in three - had been in their post for less than 12 months.

As well as opportunity, change on such a large scale can create uncertainties for staff. We provide an advice service for staff welfare, a health and safety service to advise on working conditions, and a health screening programme for staff, including a contract for provision of eyesight testing and eye-care. The Health and Safety Handbook has also been redrafted.

As we expand, we have continued to review our policies to ensure they meet our new requirements. For example, work to ensure that we comply with Section 75 of the Northern Ireland Act 1998 has led to changes in the way we monitor job applicants. This helps to ensure that we attract applicants from all sections of the community.

Environmental issues are taken seriously. We have a policy of recycling and special bins are provided for paper. We commission regular surveys for environmental compliance in all buildings and act upon the recommendations. The ICO has adopted the East Cheshire Hospice as its charity and more than £2,000 was contributed on our behalf in the last year.

New faces

Jane Durkin	Assistant Commissioner
Reports to	Simon Entwisle, Chief Operating Officer
Responsible for	Data Protection Casework & Advice Division
Past Experience	For two years before joining the ICO, Jane worked for BT Syntegra as lead business change consultant to a major modernisation programme in the Department for Work and Pensions. Before that Jane worked as the Northern Regional Director for The Rent Service, an executive agency of the then Department for Environment, Transport and the Regions (DETR). Prior to joining DETR, Jane worked for the Independent Tribunal Service, initially as Northern Operations Director and then as their Operational Policy Director.

Simon Entwisle	Chief Operating Officer
Reports to	Richard Thomas, the Information Commissioner
Responsible for	The operational effectiveness and efficiency of the ICO, managing data protection casework, regulatory action, the Helpline and the notification department. He has overall responsibility for 120 staff and is also responsible for the ICO's information systems.
Past experience	Over 12 years' experience in operational management. Simon's previous post was as Change and Development Manager at the Office of the Parliamentary & Health Service Ombudsman.
Susan Fox	Director of Communications and External Relations
Reports to	Richard Thomas, the Information Commissioner
Responsible for	Promoting and safeguarding the good corporate reputation of the ICO; raising awareness and understanding of information rights and obligations. Leads and directs communications and external relations strategy. Responsible for 10 staff.
Past experiences	Over 15 years' experience of managing communications, in public and private sector. Susan's previous post was Corporate Affairs Manager for the Environment Agency's North West region.
Gerrard Tracey	Assistant Commissioner
Reports to	Graham Smith, Deputy Commissioner, Freedom of Information
Responsible for	Freedom of Information Promotion and Development Team
Past experience	Before joining the organisation, Gerrard was Head of Information and Compliance at the Charity Commission, with responsibility for the Commission's Evaluation, Compliance, Monitoring and Intelligence teams. Gerrard was called to the Bar at Gray's Inn in 1997.
Janet Witkowski	Principal Solicitor
Reports to	Nick Tyler, Legal Director
Responsible for	Legal Department Contentious Team. Janet manages a team of three lawyers working primarily on all prosecution and enforcement work.
Past experience	Janet qualified as a solicitor in 1991. Before joining the ICO, she worked as Senior Litigation Solicitor in the legal department of Stockport Metropolitan Borough Council, managing a team of lawyers involved in a wide range of litigation and enforcement work for the authority.

Regional offices

The three regional offices based in Belfast, Cardiff and Edinburgh continue to establish themselves. Regional variations are becoming more noticeable. The offices are now responding to differing local issues, and a clear sense of local ownership by our stakeholders is emerging. Connection to the central computer system means that the regional offices are now able to handle some casework - an important step, as it means we can become more engaged at a regional level. All three offices have been approached by complainants who expressed a preference for their case to be handled by their local office.

Northern Ireland

The Belfast office continues to expand its network of local contacts and to establish relationships with key regional stakeholders. The main focus of the office continues to be freedom of information, and the requests for staff speaking engagements peaked in the run up to the full implementation of the Act. Since the start of January, the office has received almost twice as many enquiries about freedom of information as it has about data protection, and the trend for both is upwards, showing a rising local interest in information rights. The Northern Ireland office has hosted visits from both the Irish Data Protection and Information Commissioners and staff have visited their respective offices to discuss areas of mutual interest including cross border issues.

Scotland

The Edinburgh office is receiving an increasing number of enquiries from members of the public and organisations throughout Scotland – in the first three months of 2005, the office has responded to over 300 enquiries. Increased regional knowledge and contacts have improved the service we provide, and members of the public appreciate the fact that we have a point of contact in Scotland. Awareness of the office's presence is growing, as are invitations to participate in meetings and conferences. As Scotland has its own freedom of information legislation, the work of our Scottish office is mainly on data protection issues. The existence of a Scottish Freedom of Information Act has led to confusion in some quarters, and we are working closely with the Scottish Information Commissioner to resolve problems as they arise.

Wales

The Wales office continues to develop its profile locally, and meets regularly with stakeholder groups. As in Northern Ireland, the balance of enquiries received in the office since January has shifted away from data protection towards freedom of information. The office currently receives around 100 enquiries a month, over half of which are about freedom of information. A successful conference was held in Cardiff in the autumn to mark the presence of our new office. Opened by the Rt Hon Rhodri Morgan AM, Wales' First Minister, it tackled the practical issues of implementing the Freedom of Information Act, and was attended by around 200 people. The Welsh language continues to give the office local flavour, with over 40 separate pieces of data protection and freedom of information guidance translated into Welsh.

Communicating

Susan Fox was recruited to the new post of Director of Communications and External Relations in September 2004. Her brief is to focus communications work on public and external relations. A new Communications and External Relations strategy was adopted by the Management Board in January 2005. This prioritises media relations and invests in improvements to the website, and creates plans to develop internal communications and stakeholder relations work. The strategy identifies a number of different ways of measuring the effectiveness of our communications, including customer satisfaction and staff surveys, an annual track of awareness and understanding of data protection and freedom of information, and evaluation of our media coverage.

Financial Statements for the year ended 31 March 2005

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Foreword

Introduction

The annual accounts have been prepared in a form directed by the Secretary of State for Constitutional Affairs with the consent of the Treasury in accordance with paragraph (10)(1)(b) of Schedule 5 to the Data Protection Act 1998.

Under paragraph (10)(2) of Schedule 5 to the Data Protection Act 1998 the Comptroller and Auditor General is appointed auditor to the Information Commissioner. The cost of audit services in the year was £20,000 (2003/2004: £19,200) and no other assurance or advisory services were provided.

History

On 12 June 2003 responsibility for the Information Commissioner passed to the newly created Department for Constitutional Affairs. Previously, responsibility for the Information Commissioner passed to the Lord Chancellor's Department from the Home Office following the Machinery of Government changes announced in June 2001.

Following implementation of the Data Protection Act 1998 on 1 March 2000, the corporation sole by the name of Data Protection Registrar, established by the Data Protection Act 1984, continued in existence but under the name Data Protection Commissioner.

The Freedom of Information Act 2000 received Royal Assent on 30 November 2000. The title of the Data Protection Commissioner changed to the Information Commissioner with effect from 30 January 2001.

Principal activities

The Information Commissioner has responsibilities and duties under the Data Protection Act 1998 and the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

The main purposes of the Data Protection Act 1998 are to:

- Make the nature and use of personal data in computer systems and structured manual records open to public scrutiny (through a public register and by enabling individuals to obtain details of information about themselves);
- Ensure good practice in the use, processing and protection of personal data in computer systems and structured manual records (through promoting and enforcing the data protection principles); and
- Allow individuals to claim compensation from data controllers for damage and any associated distress arising from any contravention of the requirements of the Data Protection Act.

During the year work has continued to implement the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The main purposes of the Freedom of Information Act 2000 are to:

- Provide for the general right of access to recorded information held by public authorities and to specify the conditions which need to be fulfilled before an authority is obliged to comply with a request for information;
- Establish the arrangements for enforcement and appeal.

The main purpose of the Environmental Information Regulations 2004 is to establish an access regime, which allows people to request environmental information from public authorities and those bodies that carry out a public function.

The Information Commissioner is not a typical Non-Departmental Public Body. Such bodies usually have a relationship with Ministers which is based on the delegation of Ministerial powers. The Commissioner is an independent body created by statute who reports directly to Parliament. He is required to carry out those functions laid down in the Data Protection Act 1998 and Freedom of Information Act 2000, using only those powers which these Acts set out. His decisions are subject to the supervision of the Information Tribunal and the Courts.

The Information Commissioner is responsible for setting the priorities for his Office, for deciding how they should be achieved, and is required annually to lay before each House of Parliament a general report on performance.

The Information Commissioner also has responsibilities in relation to the Environmental Information Regulations 2004, Consumer Credit Act 1974, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and in respect of European wide law enforcement systems. The Commissioner is the UK national supervisory authority for Europol, Eurodac, and the Customs Information System (CIS) and is a member of the Europol, Eurodac, Eurojust and CIS Joint Supervisory Authorities. The Commissioner is also the designated national supervisory authority for the Schengen Information System and attends the SIS Joint Supervisory Authority as an observer prior to the UK accession.

Fuller details of the Information Commissioner's activities and progress towards his objectives during the year are given elsewhere in the annual report.

Results for the year

The results for the year and the Information Commissioner's financial position at the end of the year are shown in the attached accounts.

The Income and Expenditure Account for the year ended 31 March 2005 shows a retained surplus of £857,951.

The year on year movements in working capital (bank balances, debtors and creditors) held at the end of each financial year represent the retained surplus for the year and consequently the cumulative surplus in the Income and Expenditure reserve shown on the Balance Sheet represents the total working capital held by the business.

Grant in aid for freedom of information functions for 2005-2006 has already been included in the Department of Constitutional Affairs Estimate for that year, which has been approved by Parliament. There is no reason to believe that the Department's future sponsorship or future Parliamentary approval will not be forthcoming.

Future developments

It has been agreed with the Department, with the consent of the Treasury, that the Information Commissioner may retain the data protection fees collected with effect from 1 April 2005 for expenditure on data protection purposes, rather than drawing grant-in-aid for such functions.

Changes in fixed assets

An IT based case-working and records management system has been developed and successfully rolled out across the ICO. An upgrade to the notification processing system platform was successfully implemented at the year end. More details on fixed assets are given in note 8 to the accounts.

Employee policies

The Commissioner's equal opportunities policy aims to ensure that no potential or actual employee receives more or less favourable treatments on the grounds of race, colour, ethnic or national origin, marital status, sex, sexual orientation, religious belief or disability. To further this policy the ICO promotes the observance of good employment practice particularly when relevant to disabled people.

The Commissioner has an Equality Scheme approved by the Northern Ireland Equality Commissioner, produced as part of his responsibilities under section 75 of the Northern Ireland Act 1998.

The Information Commissioner continues to place importance on ensuring priority is given to the provision of appropriate training so that staff can develop skills and understanding of their roles in line with the aims and objectives of the organisation. A full-time training officer has been in place throughout the year.

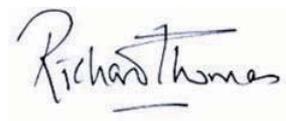
Maintenance of the provision of information to, and consultation with employees continues to be managed through a weekly newsletter, staff intranet and regular meetings with Trade Union representatives, and again briefings were held to ensure all staff were being kept up to date with the significant changes affecting the ICO. A formal Health and Safety Policy Manual is available to all members of staff and a committee is in place to address health and safety issues.

Management responsibilities

None of the Management Board members held company directorships or significant interests which might conflict with their management responsibilities.

Better payment practice code

The Information Commissioner has adopted a policy on prompt payment of invoices which complies with the 'Better Payment Practice Code' as recommended by Government. In the year ended 31 March 2005, 97.7 per cent (31 March 2004: 97.1 per cent of invoices were paid within 30 days of receipt or in the case of disputed invoices, within 30 days of the settlement of the dispute. The target percentage was 95 per cent.



Richard Thomas
Information Commissioner

13 June 2005

Statement of the Information Commissioner's responsibilities

Under paragraph 10(1)(b) of Schedule 5 to the Data Protection Act 1998 the Information Commissioner is required to prepare in respect of each financial year a statement of account in such form as the Secretary of State for Constitutional Affairs may direct. The accounts are prepared on an accruals basis and must give a true and fair view of the Information Commissioner's state of affairs at the year end and of his income and expenditure, total recognised gains and losses and cash flows for the financial year.

In preparing the accounts the Information Commissioner is required to:

- Observe the Accounts Direction issued by the Secretary of State for Constitutional Affairs with the approval of the Treasury, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- Make judgements and estimates on a reasonable basis;
- State whether applicable accounting standards have been followed, and disclose and explain any material departures in the financial statements; and
- Prepare the financial statements on the going concern basis, unless it is inappropriate to presume that the Information Commissioner will continue in operation.

As the senior full-time official, the Commissioner carries the responsibilities of an Accounting Officer. His relevant responsibilities as Accounting Officer, including his responsibility for the propriety and regularity of the public finances and for keeping of proper records, are set out in the Non-Departmental Public Bodies' Accounting Officer Memorandum, issued by the Treasury and published in Government Accounting.

Statement on internal control

Scope of responsibility

As Information Commissioner and Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the policies, aims and objectives of this Office, whilst safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me in Government Accounting.

The Information Commissioner is an independent body, created by statute, who reports directly to Parliament. My Office is funded by grant-in-aid from the Vote of the Department for Constitutional Affairs, and I am designated as Accounting Officer by the Department's Principal Accounting Officer, and as a result advise the Department on the discharge of my responsibilities in connection with expenditure in accordance with an agreed Framework Document. Regular formal liaison meetings are held and quarterly reports circulated.

The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve the policies, aims and objectives we set for the ICO. It can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the policies, aims and objectives we have set, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. Unless noted otherwise the system of internal control has been in place for the year ended 31 March 2005 and up to the date of approval of the annual report and accounts, and accords with Treasury guidance.

Capacity to handle risk

This year we have implemented the plans reported in last year's statement to introduce a formal risk register, and will continue to fine tune this system over the coming year. Our risk management arrangements make senior members of staff personally responsible for the management of key risks which could affect the achievement of our policies, aims and objectives. The Management Board comprises both Executive and non-Executive members to bring a range of skills and experience together. The office is committed to providing training and guidance to managers and staff on managing risks and further training and guidance is provided, as appropriate. For example, in 2004/2005 courses for managers were provided on how to deal with information requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004, training in the application of the Human Rights Act, and workshops on maintaining business continuity in the event of a major incident affecting business operations, as well as on risk management.

The risk and control framework

Risks which could affect the achievement of our objectives are identified and key risks are actively managed. Members of the Executive Team regularly review the key risks for which they are responsible. My approach to risk is to take action to mitigate the impact of likelihood of occurrence where it is justifiable to do so. However risk cannot be eliminated and in the sense that opportunity can also present risk, it needs to be managed effectively. The risk register is also subject to scrutiny by the Management Board and the Audit Committee on a regular basis. Specific projects within the office such as the business transformation in data protection, the implementation of the Freedom of Information Act, the information services strategy and business continuity are also subject to formal risk management and thus support the risk management framework. The office's current Risk Register, which identifies key risks and summaries the steps to mitigate them covers:

- Information Technology projects - including the full integration of my regional offices into the IT network, updating the process of data protection notifications (with online notifications), the development of electronic casework and records management systems;
- Effective implementation of the Freedom of Information Act - the major risk is that casework volumes (which remain unpredictable) will generate backlogs;
- Staffing and personnel issues – the major risk is that failure to recruit, retain, motivate and accommodate sufficiently well qualified staff will jeopardise delivery of my responsibilities;
- Reputational risks to - failure to communicate clearly to all stakeholders would undermine the legitimacy of our role as a fair and effective regulatory body;
- Effective management of the office - at a time of a prolonged period of significant change and expansion, effective strategic and operational management is essential to realise the benefits of change and discharge on-going responsibilities;
- Business continuity - the office must be able to respond to incidents which may interrupt our operations.

The risk management process has identified the need to add internal compliance to the Risk Register, which will be done as part of a wider review scheduled for early 2005-2006.

Review of effectiveness

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. My ongoing review of the effectiveness of the system of internal control is informed by the work of the internal auditors, executive managers who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. The internal auditors have expressed the view that, in areas they scrutinised this year, established procedures were broadly adequate to meet

objectives and that controls were operating with minor exceptions. When they have identified a concern we have taken their view into account in deciding on appropriate action. As further control I have asked the internal auditors to follow up their recommendations and any agreed actions. The external auditors have concluded that our financial statements have been properly prepared that the accounting policies are appropriate with adequate disclosure made in all areas.

The Management Board and the Audit Committee have also contributed to the review of the effectiveness of the system of internal control. A plan to address weaknesses and ensure continuous improvement of the system is in place. Particular attention is being paid to improving the nature and quality of management information and to introduce more rigorous performance reviews. All recommendations made by the internal auditors have been considered by the Audit Committee and the Committee is informed of progress toward implementing the outstanding recommendations at each meeting.

Internal control arrangements

Internal control is primarily maintained and reviewed through:

- A Management Board which meets six times a year to consider the strategic direction of my Office, comprising four Non-Executive Board Members, both Deputy Commissioners, Chief Operating Officer, Legal Director, Director of Personnel and Finance and Director of Communications and External Relations;
- An Executive Team which meets most weeks to consider operational issues. The team comprises all of the Management Board members with the exception of the Non-Executive Board Members;
- An Audit Committee which meets four times a year specifically to monitor the operation of internal controls. The Committee is chaired by one of the Non-Executive Board Members. The two other members are a second Non-Executive Board Member and one of the Deputy Commissioners. I and other members of my senior staff and representatives from the external and internal auditors attend meetings, and the Chairman reports to me and the Management Board on the work of the Committee;
- The production of a Corporate Plan covering a three year period to set out the strategic aims, objectives and priorities of my office. This is up-dated annually;
- An annual business plan to fulfil the Corporate Plan by articulating the detailed tasks and activities to be undertaken by each of the teams within the ICO for the coming year;
- Regular monitoring of performance of each team against the business plan, with a quarterly review of progress towards defined targets and milestones;

- Regular reports by internal audit to standards defined in the Government Internal Audit Manual which include their independent opinion on the adequacy and effectiveness of the ICO's internal controls, together with recommendations for improvements where necessary;
- An internal audit plan report.

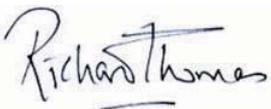
This year I have implemented the plans I reported in last year's statement to introduce a formal risk register, and will continue to fine tune this system over the coming year.

Improvements

We continue to keep internal control arrangements under review, not least in response to the significant transformation which the ICO is currently undergoing. Current projects include the final stages of work to implement the Freedom of Information Act 2000 including the implementation of an IT casework system, a business transformation project to bring greater clarity and effectiveness to various data protection functions, an IT upgrade to the notification processing system to enable electronic notifications, an office-wide pay and grading review, and a change of funding regime for our data protection functions.

During the year we have created a new post of Chief Operating Officer to lead on IT and data protection casework and notification, and a new post of Director of Communications and External Relations to advance communications and raise awareness of good practice. In the current year we are strengthening corporate governance and risk management in line with evolving best practice, and intend to embed risk management arrangements further throughout the ICO.

I am able to report that there were no material weaknesses in the Office's system of internal controls which affected the achievement of our aims and objectives.



Richard Thomas
Information Commissioner

13 June 2005

The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

I certify that I have audited the financial statements on pages 36 to 55 under the Data Protection Act 1998. These financial statements have been prepared under the historical cost convention as modified by the revaluation of certain fixed assets and the accounting policies set out on pages 39 to 41.

Respective responsibilities of the Information Commissioner and Auditor

As described on page 29, the Information Commissioner is responsible for the preparation of the financial statements in accordance with the Data Protection Act 1998 and directions made thereunder by the Secretary of State for Constitutional Affairs with the approval of Treasury and for ensuring the regularity of financial transactions. The Commissioner is also responsible for the preparation of the other contents of the Annual Report. My responsibilities, as independent auditor, are established by statute and I have regard to the standards and guidance issued by the Auditing Practices Board and the ethical guidance applicable to the auditing profession.

I report my opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Data Protection Act 1998 and directions made thereunder by the Secretary of State for Constitutional Affairs with the approval of Treasury, and whether in all material respects the income and expenditure have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. I also report if, in my opinion, the Foreword is not consistent with the financial statements, if the Commissioner has not kept proper accounting records, or if I have not received all the information and explanations I require for my audit.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. I consider the implications for my certificate if I become aware of any apparent mis-statements or material inconsistencies with the financial statements.

I review whether the statement on pages 30 to 33 reflects the Commissioner's compliance with Treasury's guidance on the Statement on Internal Control. I report if it does not meet the requirements specified by Treasury, or if the statement is misleading or inconsistent with other information I am aware of from my audit of the financial statements. I am not required to consider, nor have I considered whether the Accounting Officer's Statement on Internal Control covers all risk and controls. I am also not required to form an opinion on the effectiveness of the Commissioner's corporate governance procedures or its risk and control procedures.

Basis of audit opinion

I conducted my audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Information Commissioner in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Commissioner's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material mis-statement, whether caused by error, or by fraud or other irregularity and that, in all material respects, the income and expenditure have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I have also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion:

- The financial statements give a true and fair view of the state of affairs of the Information Commissioner at 31 March 2005 and of the income and expenditure, total recognised gains and losses and cash flows for the year then ended and have been properly prepared in accordance with the Data Protection Act 1998 and directions made thereunder by the Secretary of State for Constitutional Affairs with the approval of Treasury; and
- In all material respects the income and expenditure have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

I have no observations to make on these financial statements.

John Bourn
Comptroller and Auditor General
22 June 2005

National Audit Office
157-197 Buckingham Palace Road
Victoria London SW1W 9SP

Income and Expenditure account for the year ended 31 March 2005

	Note	2004/2005		2003/2004	
		£	£	£	£
Income					
Grant-in-aid	2	12,982,269		10,562,113	
Other income	6	<u>18,867</u>		<u>16,334</u>	
			13,001,136		10,578,447
Expenditure					
Staff costs	5	5,426,514		4,679,504	
Other operating costs	7	5,125,186		5,569,268	
Depreciation of tangible fixed assets	8	1,564,818		567,738	
Loss on disposal of fixed assets		<u>7,801</u>		<u>-</u>	
			(12,124,319)		(10,816,510)
Operating surplus/(deficit)			876,817		(238,063)
Fee income	3		9,189,343		8,764,030
Interest receivable			51,962		36,315
Notional cost of capital	1.7		<u>(211,353)</u>		<u>(201,619)</u>
Surplus for the year before appropriations			9,906,769		8,360,663
Notional cost of capital reversal	1.7		211,353		201,619
Appropriations due	4		<u>(9,260,171)</u>		<u>(8,816,679)</u>
Retained surplus/(deficit) for the year			857,951		(254,397)

Statement of Total Recognised Gains and Losses for the year ended 31 March 2005

	Note	2004/2005		2003/2004	
		£	£	£	£
Retained surplus/(deficit) for the year			857,951		(254,397)
Unrealised net (loss) on revaluation of fixed assets		11	(202,944)		-
Total recognised gains and losses relating to the year			655,007		(254,397)

There were no material acquisitions or disposals in the year.

The notes on pages 39 to 55 form part of these accounts.

Balance Sheet as at 31 March 2005

	Note	31 March 2005		31 March 2004	
		£	£	£	£
Fixed assets					
Tangible fixed assets	8		5,905,107		6,590,321
Current assets					
Debtors and prepayments	9	5,399,757		5,119,008	
Cash at bank and in hand	13	231,092		326,597	
		<u>5,630,849</u>		<u>5,445,605</u>	
Creditors—amounts falling due within one year	10	<u>(5,410,928)</u>		<u>(6,083,634)</u>	
Net current assets			<u>219,921</u>		<u>(638,029)</u>
Net assets			<u>6,125,028</u>		<u>5,952,292</u>
Capital and reserves					
	11				
Income and expenditure reserve			219,921		(638,030)
Deferred government grant reserve			5,905,107		6,590,097
Revaluation reserve			-		225
			<u>6,125,028</u>		<u>5,952,292</u>

The notes on pages 39 to 55 form part of these accounts.

Richard Thomas
Information Commissioner
 13 June 2005

Cashflow Statement for the year ended 31 March 2005

	Note	31 March 2005		31 March 2004	
		£	£	£	£
Net cash inflow from operating activities	12		11,879		124,632
Returns on investment & servicing of finance					
Interest received			51,962		36,315
Investing activities					
Payment to acquire tangible fixed assets			<u>(1,461,820)</u>		<u>(1,207,193)</u>
Net cash inflow before financing			(1,397,979)		(1,046,246)
Financing					
Grant-in-aid for capital expenditure		1,461,820		1,207,193	
Fee income	3	9,243,781		9,077,553	
Appropriations made	4	(9,403,127)	1,302,474	(9,146,757)	1,137,989
(Decrease)\increase in cash			(95,505)		91,743

The notes on pages 39 to 55 form part of these accounts.

Notes to the accounts

1 Statement of Accounting Policies

1.1 Accounting convention

These accounts have been prepared in accordance with an Accounts Direction issued by the Secretary of State for Constitutional Affairs, with the approval of the Treasury in accordance with paragraph (10)(1)(b) of Schedule 5 to the Data Protection Act 1998.

These accounts shall give a true and fair view of the income and expenditure and cashflows for the financial year, and state of affairs at the year-end. The accounts are prepared in accordance with Executive Non-Departmental Public Bodies Annual Report and Accounts Guidance and other guidance which the Treasury has issued in respect of accounts which are required to give a true and fair view, except where agreed otherwise with the Treasury, in which case the exception is described in the notes to the accounts.

These accounts have been prepared under the historical cost convention, as modified by the inclusion of fixed assets at current cost. The accounts meet the accounting and disclosure requirements of the Companies Act 1985 and the accounting standards issued or adopted by the Accounting Standards Board to the extent that those requirements are appropriate.

1.2 Grant-in-aid

Grant-in-aid received for revenue expenditure is credited to income in the year to which it relates.

A proportion of the grant-in-aid received, equal to expenditure on fixed asset acquisitions in the period, is taken to the Deferred Government Grant Reserve at the end of the financial year. The amount deferred is released back to the Income and Expenditure Account in line with depreciation charged.

1.3 Tangible fixed assets

Assets are capitalised as fixed assets if they are intended for use on a continuous basis, and their original purchase cost, on an individual basis, of £2,000 or more. Fixed assets (excluding assets under construction) are valued at net current replacement cost by using the Price Index Numbers for current cost accounting published by the Office for National Statistics when the effect of revaluing assets over time is material.

1.4 Depreciation

Depreciation is provided on all fixed assets on a straight-line basis to write off the cost or valuation evenly over the asset's anticipated life. A full year's depreciation is charged in the year in which an asset is brought into use. No depreciation is charged in the year of disposal.

The principal rates adopted are:

Office fixtures	10 years
Office equipment	5-10 years
IT equipment and software	5 years
Leasehold improvements	over the remaining lease term
Assets under construction	nil

1.5 Stock

Stocks of stationery and other consumable stores are not considered material and are written off to the Income and Expenditure account as they are purchased.

1.6 Income recognition

Fee income comprises fees in respect of notifications by data controllers, made under the Data Protection Act 1998. The notification fee is paid in advance for a period of one year, and a proportion of this income is therefore deferred and released back to the Income and Expenditure Account over the fee period.

Fee income is remitted regularly to the Secretary of State for Constitutional Affairs, and thus a prepayment is included in respect of income appropriated in advance of recognition of the income in the Income and Expenditure Account.

1.7 Notional charges

A notional charge reflecting the cost of capital employed in the year is included in the Income and Expenditure Account along with an equivalent reversing notional income to finance the charge. The charge is calculated using the Treasury's discount rate of 3.5% applied to the mean value of capital employed during the year.

1.8 Pension costs

Pension contributions are charged to the Income and Expenditure Account in the year of payment.

1.9 Operating leases

Payments under operating leases are charged to the Income and Expenditure Account on a straight-line basis over the lease term, even if the payments are not made on such a basis.

1.10 Value added tax

Most of the activities of the Information Commissioner are outside of the scope of VAT. Irrecoverable VAT is charged to the relevant expenditure category, or included in the capitalised purchase cost of fixed assets. Where output tax is charged or input tax is recoverable the amounts are stated net of VAT.

2 Grant-in-aid

	2004/2005	2003/2004
	£	£
Grant-in-aid drawn from the Department for Constitutional Affairs	12,500,000	11,200,000
Transfer to deferred government grant reserve for fixed asset additions	(1,090,349)	(1,205,625)
Release of deferred government grant for depreciation/loss on disposal charged	1,572,618	567,738
	12,982,269	10,562,113

3 Fee income

	2004/2005	2003/2004
	£	£
Deferred income at 1 April 2004	4,918,827	4,605,304
Fee receipts	9,243,781	9,077,553
Deferred income at 31 March 2005	(4,973,265)	(4,918,827)
Fee income	9,189,343	8,764,030

4 Appropriations

All data protection notification fees and other sums received by the Information Commissioner in the exercise of his functions are paid by him to the Secretary of State for Constitutional Affairs, in accordance with sub-paragraph 9(1) of Schedule 5 to the Data Protection Act 1998.

Sub-paragraph 9(3) of Schedule 5 to the Data Protection Act 1998 requires any sums received by the Secretary of State under sub-paragraph (1) shall be paid into the Consolidated Fund. However, Treasury laid before Parliament a Minute under the Government Resources and Accounts Act 2000 directing that such sums may be applied by the Department for Constitutional Affairs as appropriation-in-aid authorised by Parliament to resource the Department's Supply services, including amongst others, the Information Commissioner's grant-in-aid for the year ending 31 March 2005.

The income paid over by the Information Commissioner to the Secretary of State for Constitutional Affairs for these purposes was as follows:

(in cash terms)	2004/2005	2003/2004
	£	£
Fee receipts (note 3)	9,243,781	9,077,553
Interest received	51,962	36,315
Other income (note 6)	18,866	16,334
Uncleared fees at 1 April 2004 (note 10)	217,319	233,874
Uncleared fees at 31 March 2005 (note 10)	(128,801)	(217,319)
	9,403,127	9,146,757

Appropriations due to the Secretary of State for Constitutional Affairs were:

(in accrual terms)	2004/2005	2003/2004
	£	£
Fee receipts (note 3)	9,243,781	9,077,553
Interest received	51,962	36,315
Other income (note 6)	18,866	16,334
Deferred income at 1 April 2004 (note 10)	4,918,827	4,605,304
Deferred income at 31 March 2005 (note 10)	(4,973,265)	(4,918,827)
	9,260,171	8,816,679

5 Staff costs and numbers

5(a) Staff costs consist of:

	2004/2005	2003/2004
	£	£
Wages and salaries	4,550,659	3,919,194
Social security costs	320,363	278,965
Other pension costs	555,492	481,345
	5,426,514	4,679,504

The salary and pension entitlements of the Information Commissioner are paid directly from the Consolidated Fund and thus are not included above.

5(b) Pension arrangements

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but the Information Commissioner is unable to identify its share of the underlying assets and liabilities. A full actuarial valuation was carried out at 31 March 2003. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation (www.civilservice-pensions.gov.uk).

For 2004-05, normal employer contributions of £547,958 were payable to the PCSPS (2003-2004: £476,619) at one of four rates in the range 12 per cent to 18.5 per cent of pensionable pay based on salary bands. Rates will rise next year in addition to revalorisation of salary bands. Employer contributions are to be reviewed every four years following a scheme valuation by the Government Actuary. The contribution rates reflect benefits as they are accrued, not when the costs are actually incurred, and reflect past experience of the scheme.

No persons retired early on ill-health grounds and there were no additional accrued pension liabilities in the year.

From 1 October 2002, existing staff had the option of being a member of one of three statutory based "final salary" defined benefit schemes (classic, premium, and classic plus). The three options which were available to existing staff are described at paragraphs (i) to (iii) below. Employees joining after 1 October 2002 may choose between membership of premium or joining a good quality "money purchase" stakeholder based arrangement with a significant employer contribution (partnership pension account). This scheme is described at paragraph (iv) below.

(i) Classic Scheme

Benefits accrue at the rate of $1/80^{\text{th}}$ of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. Members pay contributions of 1.5 per cent of pensionable earnings. On death, pensions are payable to the surviving spouse at a rate of half the member's pension. On death in service, the scheme pays a lump sum benefit of twice pensionable pay and also provides a service enhancement on computing the spouse's pension. The enhancement depends on length of service and cannot exceed ten years. Medical retirement is possible in the event of serious ill health. In this case, pensions are brought into payment immediately without actuarial reduction and with service enhanced as for widow(er) pensions.

(ii) Premium Scheme

Benefits accrue at the rate of $1/60^{\text{th}}$ of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum, but members may commute some of their pension to provide a lump sum up to a maximum of $3/80^{\text{ths}}$ of final pensionable earnings for each year of service or 2.25 times pension if greater (the commutation rate is £12 of lump sum for each £1 of pension given up). For the purpose of pension disclosure the tables assume maximum commutation. Members pay contributions of 3.5 per cent of pensionable earnings. On death, pensions are payable to the surviving spouse or eligible partner at a rate of $3/8^{\text{ths}}$ the member's pension (before commutation). On death in service, the scheme pays a lump-sum benefit of three times pensionable earnings and also provides a service enhancement on computing the spouse's pension. The enhancement depends on length of service and cannot exceed 10 years. Medical retirement is possible in the event of serious ill health. In this case, pensions are brought into payment immediately without actuarial reduction. Where the member's ill health is such that it permanently prevents them undertaking any gainful employment, service is enhanced to what they would have accrued at age 60.

(iii) Classic Plus Scheme

This is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly as per classic.

Pensions payable under classic, premium, and classic plus are increased in line with the Retail Prices Index.

(iv) Partnership Pension Account

Employer contributions of £7,092 were paid to one or more of a panel of four appointed stakeholder pension providers. Employer contributions are age-related and range from 3 to 12.5 per cent of pensionable pay. Employers also match employee contributions up to 3 per cent of pensionable pay. In addition, employer contributions of £442 (0.8 per cent of pensionable pay) were payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees.

No contributions were due or prepaid to the partnership pension providers at the balance sheet date.

This is a stakeholder-type arrangement where the employer pays a basic contribution of between 3 per cent and 12.5 per cent (depending on the age of the member) into a stakeholder pension product. The employee does not have to contribute but where they do make contributions, these will be matched by the employer up to a limit of 3 per cent (in addition to the employer's basic contribution). Employers also contribute a further 0.8 per cent of pensionable salary to cover the cost of risk benefit cover (death in service and ill health retirement). The member may retire at any time between the ages of 50 and 75 and use the accumulated fund to purchase a pension. The member may choose to take up to 25 per cent of the fund as a lump sum.

5(c) Staff numbers

The average number of whole-time equivalent persons employed by the Information Commissioner during the year was as follows:

	2004/2005	2003/2004
	Number	Number
Management Board	6	5
Senior staff	11	11
Other staff	208	192
	225	208

5(d) Senior management

The salary and pension entitlements of the most senior managers employed by the Information Commissioner during the year were as follows:

	Column 1	Column 2	Column 3	Column 4	Column 5
Name and title	Salary (as defined below)	Real increase in annual pension and related lump sum at age 60	Total accrued annual pension and related lump sum at age 60 at 31 March 2005	CETV at 31 March 2005	Real increase in CETV
(2003-2004 figures are in brackets)	£000	£000	£000	£000	£000
Richard Thomas Information Commissioner	90-95 (90-95)	0-2.5 + lump sum 0-2.5 (0-2.5)	25-30 + lump sum 0-5 (20-25)	361 (302)	15 (12)
Francis Aldhouse Deputy Commissioner	70-75 (70-75)	0-2.5 + lump sum 2.5-5 (0-2.5 + lump sum 0-2.5)	30-35 + lump sum 90-95 (25-30 + lump sum 85-90)	577 (527)	24 (23)
Graham Smith Deputy Commissioner	65-70 (60-65)	0-2.5 + lump sum 2.5-5 (0-2.5 + lump sum 2.5-5)	0-5 + lump sum 5-10 (0-5 + lump sum 0-5)	45 (30)	14 (12)

Dr Robert Chilton, David Clarke, Sir Alistair Graham and Clare Tickell were non-executive members of the Management Board. During 2004/2005, they were each paid a salary of £12,000 (2003/2004: £nil) and received no pension entitlement.

Salary

(i) 'Salary' comprises gross salary and any other allowance to the extent that it is subject to UK taxation.

Pension

(ii) The pension arrangements are as described in Note 5(b) above.

Benefits in kind

(iii) None of the above received benefits in kind during 2004/2005.

Employer Contributions to partnership pensions

(iv) None of the above benefited from such contributions during 2004-2005.

Cash equivalent transfer values

Column 4 of the table in Note 5(d) above shows the member's cash equivalent transfer value (CETV) accrued at the beginning and the end of the reporting period. Column 5 reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors from the start and end of the period.

A CETV is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures, and from 2003-2004 the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service Pension arrangements and for which the Civil Superannuation Vote has received a transfer payment commensurate to the additional pension liabilities being assumed. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETV's are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

6 Other income

	2004/2005	2003/2004
	£	£
Legal fees recovered	5,790	7,785
Travel expenses recovered	12,764	7,270
Other	313	1,279
	18,867	16,334

7 Other operating costs

	2004/2005	2003/2004
	£	£
Accommodation (rent, rates and services)	1,001,616	814,483
Office supplies, printing and stationery	288,950	179,539
Carriage and telecommunications	146,673	178,778
Travel, subsistence and hospitality	454,325	443,807
Staff recruitment	222,473	139,097
Specialist assistance, consultancy and research	212,513	407,036
Communications and external relations	1,049,660	1,275,153
Legal costs	103,849	175,627
Staff training, health and safety	250,488	197,736
Information services	1,373,472	1,736,751
Vehicle expenses	1,167	2,061
Audit fee	20,000	19,200
	5,125,186	5,569,268

Included above are operating lease payments for land and buildings of £545,181 (2003/2004: £545,240).

8 Tangible fixed assets

	Leasehold improvements	Equipment & furniture	Information Technology	Assets under construction	Total
	£	£	£	£	£
Cost or valuation					
At 1 April 2004	-	303,537	2,582,770	4,904,086	7,790,393
Additions	432,803	22,772	224,446	410,328	1,090,349
Disposals	-	(19,505)	-	-	(19,505)
Transferred	-	-	5,314,414	(5,314,414)	-
Revaluation	423	4,678	(309,194)	-	(304,093)
At 31 March 2005	433,226	311,482	7,812,436	-	8,557,144
Depreciation					
At 1 April 2004	-	177,482	1,022,590	-	1,200,072
Charged in year	54,153	53,619	1,457,046	-	1,564,818
Disposals	-	(11,704)	-	-	(11,704)
Revaluation	-	2,876	(104,025)	-	(101,149)
At 31 March 2005	54,153	222,273	2,375,611	-	2,652,037
Net Book Value					
At 31 March 2005	379,073	89,209	5,436,825	-	5,905,107
At 31 March 2004	-	126,055	1,560,180	4,904,086	6,590,321

Tangible fixed assets totalling £79,059 (2003/2004: £49,986) have not been capitalised and are included within 'Other operating costs', as the individual costs were below the capitalisation threshold of £2,000.

Assets under construction represented Information Technology projects which were brought into service by the year end and comprised a casework management system £4,724,425, upgraded notification platform £527,205 and IT infrastructure £62,784.

As described in note 15, Information Services are provided via a managed service agreement. The title of hardware and software procured under this agreement is owned by Fujitsu Services Limited. The Commissioner is entitled to purchase the title of such assets for a nominal sum in the event the agreement is terminated. Payments made for hardware purchases and software development are capitalised and the net book value of such assets at 31st March 2005 was £5,359,516 (2003/2004: £6,422,195).

9 Debtors

	31 March 2005	31 March 2004
	£	£
Fee income prepaid to the Secretary of State for Constitutional Affairs	4,973,265	4,918,827
Other prepayments	398,469	188,823
Other debtors	28,023	11,358
	5,399,757	5,119,008

10 Creditors- amounts falling due within one year

	31 March 2005	31 March 2004
	£	£
Trade creditors	59,418	462,762
Payroll	20,024	50,624
Other taxes and social security	2,499	3,754
Accruals	125,316	26,725
Un-remitted and un-cleared fees	230,406	325,376
IS/IT retentions on assets under construction	-	295,566
Deferred income	4,973,265	4,918,827
	5,410,928	6,083,634

11 Reserves

	Income and Expenditure Reserve	Deferred Government Grant Reserve	Revaluation Reserve	Total
	£	£	£	£
Balance at 1 April 2004	(638,030)	6,590,097	225	5,952,292
Retained surplus for the year	857,951	-	-	857,951
Grant deferred for additions	-	1,090,348	-	1,090,348
Release for depreciation	-	(1,564,818)	-	(1,564,818)
Loss on disposal of fixed assets	-	(7,801)	-	(7,801)
Net loss on revaluation of fixed assets	-	(202,719)	(225)	(202,944)
Balance at 31 March 2005	219,921	5,905,107	-	6,125,028

12 Reconciliation of operating surplus to net cash inflow from operations

	2004/2005	2003/2004
	£	£
Operating surplus/(deficit) for the year	876,817	(238,063)
Depreciation provided in the year	1,564,818	567,738
Loss on disposal of fixed assets	7,801	-
Release of deferred government grant	(1,572,619)	(567,738)
(Increase)/reduction in debtors relating to operating activities	(226,312)	55,084
Reduction/(increase) in creditors relating to operating activities	(638,626)	307,611
Net cash inflow from operating activities	11,879	124,632

13 Cash at bank and in hand

	2004/2005	2003/2004
	£	£
Balance at 1 April 2004	326,597	234,854
(Decrease)/increase in cash	(95,505)	91,743
Balance 31 March 2005	<u>231,092</u>	<u>326,597</u>
Commercial banks	230,943	325,937
Cash in hand	149	660
	231,092	326,597

14 Commitments under operating leases

Commitments under operating leases to pay rentals during the year following the year of these accounts are given in the table below, analysed according to the period in which the lease expires.

The leases of land and buildings are subject to periodic rent reviews.

	Land and buildings	
	31 March 2005	31 March 2004
	£	£
Expiry within 1 year	5,845	-
Expiry within 2 to 5 years	96,007	106,328
Expiry thereafter	373,001	381,875
	474,853	488,203

15 Other commitments

The Information Commissioner has a managed service agreement with Fujitsu Services Limited for the provision of Information Services (note 8). The contract term is ten years expiring in July 2007. Expenditure (for both running costs and capital) under the contract in the year was:

	31 March 2005	31 March 2004
	£	£
Desktop and Notification services	1,086,300	852,825
IS development	951,805	1,417,884
	2,038,105	2,270,709
Cost of cancelling the contract at 31 March	169,409	152,447
There are no costs of cancelling the contract after July 2005.		

16 Capital commitments

No capital commitments were outstanding at 31 March 2005 (31 March 2004: nil)

17 Related party transactions

The Information Commissioner confirms that he had no personal or business interests which conflict with his responsibilities as Commissioner.

The Department for Constitutional Affairs is a related party to the Information Commissioner. During the year no related party transactions were entered into, with the exception of providing the Information Commissioner with grant-in-aid and the appropriation-in-aid of notification fee income and sundry receipts.

In addition, the Information Commissioner has had various material transactions with other central Government bodies. These transactions have been with the Central Office of Information (COI) and the Home Office Pay and Pensions Service.

None of the key managerial staff or other related parties has undertaken any material transactions with the Information Commissioner during the year.

18 Financial instruments

Financial Reporting Standard 13, Derivative and other Financial Instruments: Disclosures required disclosure of the role which financial instruments have had during the year in creating or changing the risks an entity faces in undertaking its activities. Because of the non-trading nature of its activities and the way in which central government sector entities are financed, the Information Commissioner is not exposed to the degree of financial risk faced by business entities.

Moreover, financial instruments play a much more limited role in creating or changing risk that would be typical of the listed companies to which Financial Reporting Standard 13 mainly applies. The Information Commissioner has no powers to invest surplus funds and may only borrow with the prior approval of the Secretary of State for Constitutional Affairs.

Financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Information Commissioner in undertaking his activities.

As permitted by FRS13, debtors and creditors which mature or become payable within 12 months from the balance sheet date have been omitted from the currency profile.

Liquidity risk

The Information Commissioner's funding is provided by grant-in-aid, voted annually by Parliament within the Supply Estimate of the Department for Constitutional Affairs. It is not, therefore, exposed to significant liquidity risks.

Interest rate risk

The Information Commissioner is not exposed to any interest rate risk.

Foreign currency risk

The Information Commissioner's foreign currency transactions are not significant.

19 Statement of resources by function

The Secretary of State for Constitutional Affairs provides grant-in-aid to the Information Commissioner for Data Protection and Freedom of Information statutory functions annually.

Staff costs and other running costs are apportioned between the Data Protection and Freedom of Information functions on the basis of costs recorded in the Information Commissioner's management accounts system. This system allocates expenditure to various value centres across the organisation. A financial model is then used to apportion expenditure between the functions on an actual basis where possible, or by way of a reasoned estimate where costs are shared between functions.

	Freedom of Information £	Data Protection £	Total 2004/2005 £	Freedom of Information £	Data Protection £	Total 2003/2004 £
Income						
Grant-in-aid	4,678,474	8,303,795	12,982,269	3,811,109	6,751,004	10,562,113
Other income	-	18,867	18,867	-	16,334	16,334
	4,678,474	8,322,662	13,001,136	3,811,109	6,767,338	10,578,447
Expenditure						
Staff costs	1,833,255	3,593,259	5,426,514	1,360,993	3,318,511	4,679,504
Other operating costs	1,697,013	3,428,173	5,125,186	2,301,335	3,267,933	5,569,268
Depreciation	734,778	837,841	1,572,619	209,777	357,961	567,738
	4,265,046	7,859,273	12,124,319	3,872,105	6,944,405	10,816,510
Operating surplus/ (deficit)	413,428	463,389	876,817	(60,996)	(177,067)	(238,063)
Fee income	-	9,189,343	9,189,343	-	8,764,030	8,764,030

The Data Protection notification fee is set by the Secretary of State for Constitutional Affairs, and in making any fee regulations under Section 26 of the Data Protection Act 1998, as amended by Paragraph of Schedule 2 to the Freedom of Information Act 2000, the Secretary of State shall have regard to the desirability of securing that the fees payable to the Commissioner are sufficient to offset the expenses incurred by the Information Commissioner, the Information Tribunal and any expenses of the Secretary of State in respect of the Commissioner or the Tribunal, and any prior deficits incurred, so far as attributable to the functions under the Data Protection Act 1998.

These accounts do not include the expenses incurred by the Information Tribunal, or the expenses incurred by the Secretary of State in respect of the Commissioner, other than for the grant-in-aid payments made to the Commissioner, and therefore these accounts cannot be used to demonstrate that the Data Protection fees match expenditure on data protection activities.

The segmental information above has not been disclosed for the purpose of Standard Statement of Accounting Practice 25: Segmental Reporting, or for compliance with the Treasury Fees and Charges Guide.

20 Accountability

No exceptional kinds of expenditure such as losses and special payments that required separate disclosure because of their nature or amount were incurred.

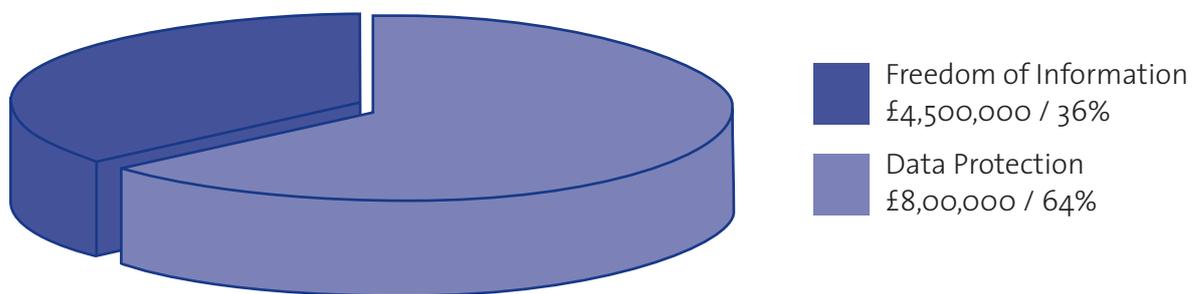
21 Intra-government balances

At 31 March 2005 a credit of £128,801 (2003/2004: credit of £217,319) was owing to the Secretary of State for Constitutional Affairs in respect of Data Protection fees received but not processed by the Information Commissioner, and a debit of £18,332 (2003/2004: credit of £20,905) was due from Home Office Pay and Pensions Service in respect of advance payment of salary liabilities. There were no other intra-government balances at the year end.

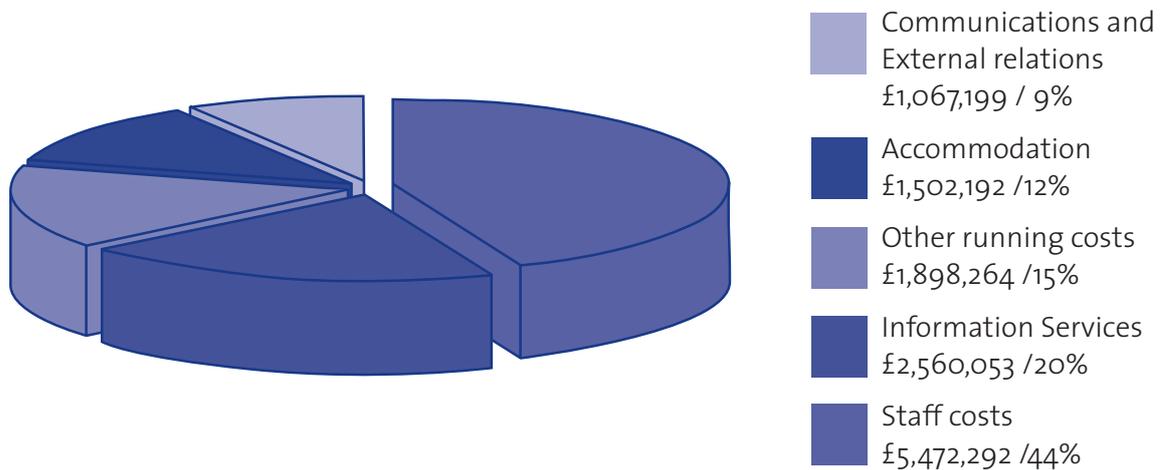
Facts and figures

Income

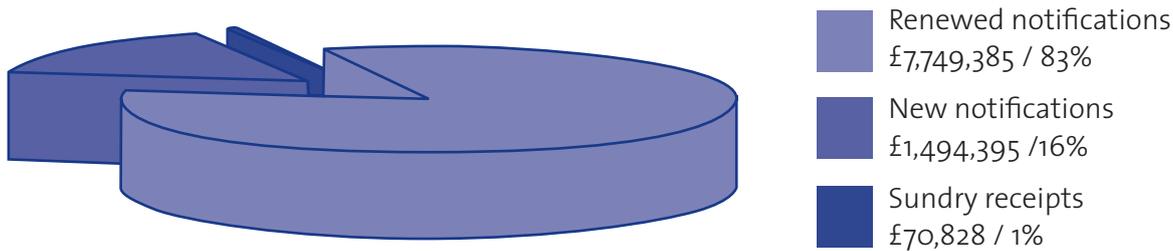
We were given Grant in Aid by the Department of Constitutional Affairs to fund our activities:



How we spent our Grant in Aid:



We collected Notification fees and sundry receipts, all of which were passed to the Department for Constitutional Affairs:



Data protection complaints

The ICO's compliance teams dealt with over 20,000 cases during 2004–2005. We introduced a new casework management system in April 2004, and now count complaints and queries from organisations which process data, as well as from members of the public. This resulted in an increase in the number of new cases counted.

	2003/2004	2004/2005
New cases received	11,664	19,460
Cases closed	11,644	20,138
Of the cases closed	2003/2004	2004/2005
Enquiries	5,595	10,310
Requests for assessment	4,254	4,906
Other referrals	Not counted	4,922
Time taken to close cases	2003/2004	2004/2005
Closed within 0-3 months	90%	88%
Closed within 3-6 months	5%	11%
Closed within 6-9 months	1%	1%
Closed within 9-12 months	2%	0.3%
Closed in over 12 months	2%	0.3%

During 2005 – 2006, we will be improving our ability to capture information.

Public Register of data controllers

The ICO maintains a public register of organisations that hold information about people. This register can be accessed via our website. During the year, we made considerable improvements to this publicly searchable database, and it is now updated daily.

The ICO's Notification department processes all new applications and renewals as well as providing essential information from a dedicated Helpline, which handled some 83,000 calls. The department also made 55,621 changes to existing entries, and dealt with some 34,000 general written notification enquiries.

During 2004-05, the Notification department also dealt with 225,257 renewals - almost 16 per cent more than we processed in 2003-04. We also processed 40,932 new applications (23,000 fewer than the previous year). The total number of entries on the register (after removals and clearance of fees) was 259,296 on 31 March 2005 compared to 251,702 a year earlier.

The figures indicate a shift from new notifications to renewals. However, we believe that there are still a number of areas where organisations who should be on the public register have not notified us. During 2005-2006 we intend to do more work in this area.

Freedom of information

In accordance with the timescales for compliance with freedom of information requests and for public authorities to conduct internal reviews, the ICO began to receive its first freedom of information complaint cases towards the end of this financial year. The ICO will therefore provide statistics in relation to freedom of information complaint cases in next year's Annual Report.

Pre-approved Model Publication Schemes	27,245
Bespoke Publication Schemes	386

Prosecutions

We successfully prosecuted 12 cases involving offences under the Data Protection Act, with sentences including fines ranging from £100 to £3150, and conditional discharges.

Defendant	Offence	Court	Date of Hearing	Plea	Result	Sentence	costs
Colin Rex	S.55 Obtaining	Peterborough Magistrates	1 April 2004	Not Guilty	Convicted	12 months conditional discharge	£300
Mark Hoy	S.55 Obtaining x12 S.55 attempt to obtain x 2	Leeds Magistrates	19 April 2004	Guilty	Convicted	£800 fine (£50 per offence)	£250
MKN Legal and Financial Services Ltd	S.55 Obtaining x12 S.55 attempt to obtain x2			Guilty	Convicted	£1,600 fine (£100 per offence)	£250
Paul McColl	S.55 Obtaining x5	Cardiff Magistrates	26 April 2004	Not Guilty	Convicted	£2,500 fine (£500 per offence)	£3,000
Kevin Fenlon	S.17 Non- notification	Brighton Magistrates	8 July 2004	Guilty	Convicted	£100 fine	£450
Derrick Ellis	S.55 Obtaining x3 S.55 Disclosing x3	Richmond- upon- Thames Magistrates	8 September 2004	Guilty	Convicted	£200 fine for the first offence, no separate penalty for remainder	£200
Jeanette Silburn	S.17 Non- notification	Alton Magistrates	6 October 2004	Guilty	Convicted	£100 fine	£350
Managed Credit Services Ltd	S.55 Obtaining x2	Richmond- upon- Thames Magistrates	7 October 2004	Guilty	Convicted	£200 fine (£100 per offence)	£200
Christopher Cooper	S.55 Obtaining	Skegness Magistrates	8 October 2004	Guilty	Convicted	12 months conditional discharge	£600

Defendant	Offence	Court	Date of Hearing	Plea	Result	Sentence	costs
Savage Crangle Solicitors							
Christopher Mark Storah	S.17 Non- notification	Northallerton Magistrates	11 November 2004	Guilty	Convicted	£70 fine	£30
John Michael Eyre	S.17 Non- notification			Guilty	Convicted	£70 fine	£30
Jonathan Ramsden Leach	S.17 Non- notification			Guilty	Convicted	£70 fine	£30
Timothy Paul Graham Manock	S.17 Non- notification			Guilty	Convicted	£70 fine	£30
Peter James Crangle	S.17 Non- notification			Guilty	Convicted	£70 fine	£30
David Bufton	S.55 Obtaining x2	Shrewsbury Magistrates	10 January 2005	Guilty	Convicted	18 months conditional discharge	£200
Susan Stansfield	S.55 Obtaining x3	Liverpool Crown Court	23 February 2005	Guilty	Convicted	£1,500 fine (£500 per offence)	£500
Ralph Harold Donner	S.17 Non- notification	Bolton Magistrates	28 February 2005	Guilty	Convicted	£3,150 fine (reduced on appeal to £1,000 fine)	£3,500

Annual Track Report

	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Data Protection					
% of data controllers aware of data subjects' rights	n/a*	90%	92%	89%	91%
% of individuals aware of own rights	27%**	42%**	74%	74%	76%
Freedom of Information					
% of public authorities aware of their obligations	14%**	23%**	53%	84%	81%
% of individuals aware of the FOI Act	11%**	12%**	49%	56%	56%

* = question not included

** = un-prompted awareness.

The figures are from the ICO's annual track research conducted in the Spring of each year.

Anyone requiring more detailed statistics and information is welcome to apply to the Office.

Evidence given to Parliamentary Committees

- Home Affairs Committee inquiry into Identity Cards, 8 June 2004 (also 3 February 2004);
- The Constitutional Affairs Committee session examining the work of the Information Commissioner, 11 May 2004;
- The Constitutional Affairs Committee inquiry into the Freedom of Information Act 2000 - Progress towards implementation, 19 October 2004;
- The House of Lords European Union Committee (Home Affairs) inquiry into EU Counter-Terrorism activities, 10 November 2004;
- Education and Skills Committee inquiry into Every Child Matters 24 January 2005;
- The joint inquiry of Constitutional Affairs Committee and the Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Committee into Electoral Registration, 25 January 2005.

Governance

The Information Commissioner reports directly to Parliament. Reporting directly to him is his Executive Team:

Deputy Commissioner, Data Protection	Francis Aldhouse
Deputy Commissioner, Freedom of Information	Graham Smith
Chief Operating Officer	Simon Entwisle
Legal Director	Nick Tyler
Director of Personnel and Finance	Mike Duffy
Director of Communications and External Relations	Susan Fox

The Executive Team meets most weeks and is responsible for the operational management of the organisation. They are members of the Information Commissioner's Management Board, which usually meets every two months and helps the Commissioner to discharge his statutory responsibilities. The Management Board focuses on the effective functioning of the office and ensures that the ICO adheres to the high standards expected of a public body. Its responsibilities include strategic direction, financial control and performance assessment. The Board includes four non-executive members, recruited in open competition:

Dr Robert Chilton
David Clarke
Sir Alistair Graham
Clare Tickell.

Contact us

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

Email: mail@ico.gsi.gov.uk
www.ico.gov.uk
Helpline: 01625 545745
Publication order line: 08453 091 091

Note: a copy of this Report and Accounts can be found at www.ico.gov.uk.



Information Commissioner's Office



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