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James Dipple-Johnstone
Deputy Commissioner
Information Commissioner's Office

Lindsey Chiswick
Director of Intelligence
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Victoria Embankment
London, SW1A 2JL

cc. Stephen Eckersley, Director of Investigations

By Email

27 January 2022

Re: Case Reference Number: INV/0283/2020 – ICO investigation into the Met's [REDACTED]

Dear James,

Thank you for the ICO's correspondence of 3 December detailing the findings of your investigation into the Met's [REDACTED]

This letter: -

- i) Raises a concern in relation to one of the ICO findings;
- ii) Sets out how we will take forward the additional action recommended by the ICO to ensure our compliance with the Data Protection Act 2018.

Point of concern in relation to ICO finding

On page three of the letter, the ICO raises particular concern [REDACTED]

We assume this refers to the Met's actions in relation to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In reaching its conclusions, I would like to be assured that the ICO was aware of the gravity of the use case and the need to consider all options [REDACTED]
[REDACTED], it would be useful to have more guidance provided to operational decision makers when taking assessments about how they should reconcile positive duties (to save life) against collateral intrusion in these circumstances.

[REDACTED]

[REDACTED]

Our actions [REDACTED] were in line with the policy we adopted [REDACTED]

[REDACTED]

The consideration was therefore not 'despite conducting remedial measures', but fully compliant with them. It is inaccurate to infer otherwise.

Further Action Recommended by ICO

The ICO letter includes some recommended further action to improve our compliance with the DPA 2018. An outline of our next steps is below.

- 1. Consider further steps to ensure processes that govern [REDACTED]
[REDACTED] are thoroughly embedded in the culture of the organisation.

We are reviewing our existing board structure and their terms of reference with a view to adopting a board to include the policy, oversight and approval [REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

2. Ensure that a clear process and policy is in place to ensure DPO involvement occurs at the earliest opportunity in relation to processing and handling of personal data. This should be clearly and regularly communicated to employees.

Through this oversight board, there will be a [Redacted]
[Redacted] This will ensure a documented process addresses the requirement for a DPIA, [Redacted] It will also ensure the early involvement of the DPO (who will also be a standing member of the board).

Awareness of Data Protection law has improved considerably across the Met since [Redacted]
[Redacted] Information and You remains a mandatory eLearning package for all Met staff that teaches the fundamentals of Data Protection law and the role of the DPO.

[Redacted]

[Redacted]

I look forward to continuing to engage with the Information Commissioner's Office on [Redacted]

[Redacted]

Yours sincerely,

[Redacted]

Lindsey Chiswick
Director of Intelligence

[Redacted]