Dear Norman,

Thank you for your most recent letter dated 23rd of May regarding the powers that the Information Commissioner has to compel individuals to interview and for your continued interest in this issue.

While the Data Protection Act 2018 greatly expanded the Information Commissioner’s powers of investigation, it does not currently enable the Commissioner to compel individuals to present themselves for interview. It does, however, allow the Commissioner to impose information notices on any person connected with an investigation, including current or former employees. The Commissioner can ask the court to enforce the information notice if a person refuses to comply. We therefore remain confident that the Act provides a robust framework that protects the information rights of individuals and we worked very closely with the Commissioner to ensure that she has the powers she asked for to deal with increasingly-complex data breaches.

As I said previously, we keep all aspects of our data protection framework under review. We are engaged in an ongoing dialogue with the ICO who are currently taking stock of their experience of GDPR one year on and intend to produce a detailed analysis that they’ll share with us as a way of taking the discussion forward. If the ICO feel that there is a gap in the Information Commissioner’s powers requiring further legislation, that’s definitely an issue we would seek to address at that time. It would therefore be premature to directly address the specific issues your letter raises in further detail until the ICO have completed their exercise.

I can assure you, we remain committed to ensuring that the ICO is a world class regulator and has the resources and enforcement tools it needs to safeguard the rights of individuals in relation to their data and we will continue to work closely with the ICO to make sure the Information Commissioner’s investigations are effective.

Thank you again for your continuing interest in this matter.

Yours ever

Best wishes

MARGOT JAMES MP
Minister for Digital and the Creative Industries