

**Explanatory Note to the 22 February 2018 Motion proposed to the House of
Commons on the Information Commissioner (Remuneration)**

**Presented to the House of Commons by the Minister for Digital and the Creative
Industries by Command of Her Majesty**

February 2018

Explanatory Note to the 22 February 2018 Motion proposed to the House of Commons on the Information Commissioner's Salary

Introduction

1. The Information Commissioner is a "corporation sole" with the powers, authority, duties and responsibilities of the role vested in one person and passing from one holder of the role to another. The Commissioner has responsibility for leading the work of the UK's national supervisory body for data protection, the requirement for which is enshrined in EU law, and for overseeing regulation of data protection and freedom of information in the UK. The Information Commissioner's Office (ICO), which supports the Commissioner in this work, is a non-departmental public body sponsored by the Department for Digital, Culture, Media and Sport.
2. Schedule 5, paragraph 3 of the Data Protection Act 1998 requires the Information Commissioner's salary and pension to be specified by a resolution of the House of Commons.
3. When the matter was last considered, in 2008, a number of points were raised during debate, including the fact that comparable offices (such as the chair of the Election Commission) held higher salaries and the multi-faceted nature of the Commissioner's responsibilities (such as the post-holder's quasi-judicial function).¹ The House subsequently resolved that the Commissioner's annual salary would be £140,000. The salary has not been updated since 2008, and therefore is not reflective of current market rates for comparable roles.
4. In 1994 it was resolved that '... there shall be paid to any Data Protection Registrar [the previous title of the role]... the same pension as that payable to or in respect of a Grade 3 Officer of the Home Civil Service under the Principal Civil Service Pension Scheme.'² In practice, the Commissioner currently receives pension benefits in accordance with the Civil Service Alpha Scheme.

Role of the Information Commissioner

5. The remit of the Information Commissioner has expanded significantly in recent years with the development and implementation of the European General Data Protection Regulation. This increase in responsibilities will continue as further changes to the domestic data protection landscape take place via the Data Protection Bill 2018 and subsequent legislation.

¹ <https://publications.parliament.uk/pa/cm200708/cmhansrd/cm081124/debtext/81124-0019.htm>

² http://hansard.millbanksystems.com/commons/1994/dec/02/data-protection#S6CV0250P0_19941202_HOC_156

6. As the UK prepares to leave the EU, it is of vital importance that we have an effective national supervisory authority and are able to attract and retain appropriately qualified candidates to lead the organisation.
7. Given these circumstances, it has been considered appropriate to undertake a review of the Information Commissioner's salary and pension benefits to ensure that these appropriately reflect market conditions and the scale and importance of the role.

Proposal to Increase the Salary of the Information Commissioner

8. This explanatory note accompanies a motion (set out below) in the House of Commons which proposes that, from 1st April 2018, the Information Commissioner's base salary should increase to £160,000 (an increase of £20,000), with an annual increase of 1%. Pension benefits would remain in line with the standard Civil Service award. A further non-consolidated, non-pensionable allowance of £20,000 is proposed to be paid to the current incumbent.
9. The full text of the motion is:

"That, from 1 April 2018-

 - (1) the Information Commissioner shall be paid a salary of £160,000 per annum and pension benefits in accordance with the standard award for the civil service pension scheme;
 - (2) this salary shall be increased by 1% each year on 1 April;
 - (3) the Information Commissioner in post on 1 April 2018 shall also be paid, as part of her salary, a non-consolidated, non-pensionable annual allowance of £20,000 for the duration of the single-term appointment; and
 - (4) all previous resolutions relating to the salary and pension of the Information Commissioner shall cease to have effect."
10. The proposed package is considered appropriate, when taking into account salaries of comparative roles at similar organisations.
11. Georgia Bruce at the DCMS, telephone: 07548 211336 or email: georgia.bruce@culture.gov.uk can answer any queries regarding the motion.