THE COMMISSIONER FOR PUBLIC APPOINTMENTS

Fiona Cannon OBE
Commissioner for Public Appointments
1 Horse Guards Road, London, SW1A 2HQ

DECISION NOTICE

Breach of Section 9.5 of the Governance Code - failure to record political activity on the job advert for a role

Appointing authority: Department for Digital, Culture, Media and Sport

Public body: Information Commission

Role(s): Chair

1. On 15 July 2026, the Department for Science, Innovation and Technology launched a campaign to appoint the Chair of the Information Commission. The panel chair and departmental official for this appointment was (and remains) Emily Middleton, the Director General for Digital Transformation. The advert stated that Ms Middleton had 'no political activity to declare'.

2. On 21 July 2026, the government announced that DSIT's functions would be 'redistributed' into the new Department for Business, Innovation, Science and Trade and Department for Digital, Culture, Media and Sport (DCMS) in the Machinery of Government changes.[1] Sponsorship of the Information Commission, and therefore this campaign, became a responsibility of DCMS.

3. When applications closed in September 2026, the department identified that, due to an administrative oversight, Ms Middleton had not been asked to complete a political activity declaration at the outset of the campaign. Ms Middleton was seconded to the Labour Party between January and July 2024, advising on digital public services reform. This information was not included on the job advertisement.

4. Section 9.5 of the Governance Code, relating to political activity, states as follows:

   It should be publicly disclosed however if a panel member, or a successful candidate, has, in the last five years, been employed by a political party, held a significant office in a party, has stood as a candidate for a party in an election, has publicly spoken on behalf of a political party, or has made significant donations or loans to a party.

5. The Code is clear that political activity, such as employment by a political party, must be declared on the job advert for a role. This is for good reason, as a failure to declare political activity may undermine transparency in the appointments process. As this was not declared in this case, the Commissioner must record a breach of the Code. While this is recorded as a breach against DCMS, the Commissioner notes that the

[1] Lord Privy Seal (2026), 'Machinery of Government Changes', Statement HLWS298, 21 July <https://questions-statements.parliament.uk>

circumstances leading to the breach fell during a period where the department did not have responsibility for the campaign.

6. The Commissioner is also grateful that DCMS proactively brought this issue to her attention, will inform candidates of the updated political activity 'as part of the next general update on the progress of the campaign' and has conceded that this is a breach. It will be noted in the Commissioner's annual report for 2026-27.