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Lord Gilbert of Panteg
Chair of the House of Lords Select Committee on
Communications and Digital
Committee Office
House of Lords
London SW1A 0PW

2 December 2021

MC2021/20730/DC

Dear Chair,

Thank you for the opportunity to discuss the digital regulatory landscape in my oral evidence session to the Committee on 23 November. This is an extremely important issue and I welcomed the opportunity to outline the steps that government and regulators are taking to deliver a coherent, pro-innovation approach to digital regulation.

In your letter dated 26 November, you indicated that the Committee would be grateful for my thoughts on a further question that arose during the course of your deliberations. In addition, at the oral evidence session with Lizzie Greenhalgh, I offered to share further information regarding the Regulatory Horizons Council and the campaign for a new Chair for Ofcom. I trust the further evidence included in this letter addresses the Committee's concerns.

Supplementary question

If, as part of an increasingly principles-based system, regulators are charged with forming a considered opinion on how best to interpret and represent the public interest, how bold should they be in expressing that opinion publicly?

Regulators already represent the public interest by discharging their statutory duties in relation to consumers, citizens and data subjects, which are set out by Parliament in primary legislation. Their accountability mechanisms require them to account for how they take their decisions and ensure they get the right level of input from government and Parliament in areas of public interest. This is set out through the existing legislative frameworks under which they operate.

It is also worth noting that under the Legislative and Regulatory Reform Act of 2006, the Regulators' Code provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. The Code requires transparency about this, and in the course of engaging with stakeholders and those they regulate, regulators may articulate their position on how the public interest is to be applied, while abiding by their statutory duties.

As we take forward a principles-based, outcomes focused regulatory approach in order to respond to the fast moving nature of digital technologies, we recognise the need for this increased flexibility to be matched by appropriate levels of transparency, accountability and oversight. This is why we are making provisions for further accountability measures as we introduce new regulatory regimes - as set out, for example, in our draft online safety legislation and consultations on data reform and digital competition.



Regulatory Horizons Council (RHC)

During the course of the evidence session on 23 November, Lizzie Greenhalgh, Deputy Director for Digital Regulation, and I committed to follow-up in writing with further information on the Regulatory Horizons Council (RHC) and the campaign to appoint a new Ofcom Chair.

The Regulatory Horizons Council (RHC) is an independent expert committee that identifies the implications of technological innovation, and provides government with impartial, expert advice on the regulatory reform required to support its rapid and safe introduction. It was fully established in August 2020.

The chair is Cathryn Ross and the members are: Professor Alastair Denniston; Dr Andy Greenfield; Matt Ridley; Professor Joyce Tait; and Dr Parag Vyas. Members have a cross-cutting understanding of innovation and regulation and will initially serve a two year term. The RHC is supported by a team of civil servants from the Better Regulation Executive, part of the Department for Business, Energy and Industrial Strategy.

The Council scans the horizon for technological innovation and trends, building on existing work and data across departments and regulators. It makes recommendations to government on broad priorities for regulatory reform, based on the potential benefit for the UK economy and society while protecting citizens and the environment. The Council recently reported on the regulation of fusion energy, medical devices, genetic technologies, and drones. It is now working on pro-innovation regulatory principles, neurotechnology, AI as a medical device, and hydrogen in maritime.

Campaign for a new Chair for Ofcom

The campaign to appoint a new Chair of Ofcom is currently underway having launched on 1 November, and is open for applications until 13 December. All candidates will be objectively assessed against the published essential criteria by the advisory assessment panel, and the Secretary of State will then make a decision on her preferred candidates.

It will be a fair and open competition, run in compliance with the Governance Code for Public Appointments and regulated by the Commissioner for Public Appointments. The preferred candidate will also appear in front of the DCMS Select Committee for a pre-appointment scrutiny hearing before a final appointment is made.

The government is committed to finding the best candidate for the job and the Secretary of State has encouraged all candidates who feel they meet the published selection criteria to submit an application.

I trust this letter will inform the Committee's final deliberations. I look forward to reading your report.

With best wishes,

Chris Philp MP
Minister for Tech and the Digital Economy

CC Lord Parkinson of Whitley Bay
DCMS Lords Minister

