

# Office of the Registrar of Consultant Lobbyists

## Memorandum of Understanding between the Cabinet Office and the Registrar of Consultant Lobbyists

11 November 2021

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## Introduction

This Memorandum seeks to outline the working relationship between the Cabinet Office (as sponsoring department) and the Office of the Registrar of Consultant Lobbyists ("the Office"). It sets out the framework for the relationship between the Office and the Cabinet Office, encompassing the following matters:

- the role of the Office
- finance and accountability arrangements
- the services and resources the Cabinet Office will provide the Office in order that it can carry out its statutory duties
- the governance arrangements under which the Office of the Registrar will operate.

The Memorandum is effective from 11 November 2021. It will be reviewed every three years; the next review will be by 11 November 2024. Amendments may be made at any time by agreement between the Cabinet Office and the Registrar.

The Memorandum is not intended to have any legal effect and is not justiciable in any Court of Law.

## Guiding principles

This Memorandum is based upon the guiding principles that:

- the Office, in discharging its statutory functions, is independent of the Government
- the Office and the Government are committed to openness and transparency in their dealings with each other
- changes to this Memorandum will only be made with the mutual consent of the Cabinet Office and the Office.

## Role of the Registrar

The Office was established by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 ("the Act") in order to create and administer the statutory Register of Consultant Lobbyists.

The Registrar of Consultant Lobbyists, 'the Registrar', is an independent statutory office, established to keep and publish the Register of Consultant Lobbyists, in which those who lobby on behalf of a third party for payment are required to register and to declare the names of their clients and whether or not they subscribe to a relevant code of conduct.

The Registrar is appointed by the Minister of State for the Cabinet Office under the terms of the Act (Schedule 2, paragraphs 3 and 4). An individual may be appointed for a second or third term, but the term for which they are re-appointed must not be more than three years.

The appointment of the Registrar is made following the Governance Code for Public Appointments, which sets out the principles by which they should be made. The Commissioner for Public Appointments provides independent assurance but Ministers are ultimately

accountable and responsible for the decisions taken about appointments. As set out in *Cabinet Office Guidance: pre-appointment scrutiny by House of Commons select committees*, proposed appointees to the office of Registrar of Consultant Lobbyists are subject to pre-appointment scrutiny by a select committee.

The Registrar, in accordance with the provisions of the Act, fulfils the following duties:

- maintaining and publishing the UK Register of Consultant Lobbyists
- developing and publishing guidance on its functions under the Act
- monitoring and enforcing compliance with the Act's legal requirements
- publishing an annual statement of accounts.

## **Finance and accountability arrangements**

### **Parliamentary accountability**

The Minister of State for the Cabinet Office accounts for the Registrar's business to Parliament. Where communication with Parliament is necessary, the Registrar and Cabinet Office will carefully and unambiguously lay out their respective roles and responsibilities. In particular, the Registrar and Cabinet Office will endeavour to make clear the independence of the Registrar.

The Registrar must prepare an annual statement of accounts, according to a schedule agreed between the Office, National Audit Office (NAO) and Cabinet Office. The statement of accounts is reviewed by the Cabinet Office Assurance and Risk Committee, and then sent by the Office to the Comptroller and Auditor General, who will examine, certify and report on the statement ahead of laying a copy of the statement before Parliament, in accordance with the Act. Further detail on the financial reporting process is included at **Annex A**.

The Registrar may be called to account for the activities of their Office at relevant parliamentary select committees.

### **Financial accountability**

The Registrar is designated by the Permanent Secretary of the Cabinet Office as the Office's Accounting Officer, and (as set out in the letter of designation) is responsible for assuring Parliament and the public of high standards of probity within the following areas:

- governance
- decision-making and risk management arrangements
- promoting and safeguarding regularity, propriety, affordability, sustainability and value for money
- the ethical and behavioural standards, which are observed by staff, especially in their dealings with other departments and agencies.

### **Budgeting**

Responsibility for the effective management of the Office's resources - including an allocated budget and financial authority for payments to be made by the Office - is delegated to the Registrar as the Office's Accounting Officer by the department's principal Accounting Officer (the Permanent Secretary). The Registrar in return provides assurance to the Cabinet Office

that they accept the terms and conditions set out in the budget allocation and financial delegation letter from the Permanent Secretary. This means, in particular, the acceptance of its financial constraints and financial governance and working closely with Cabinet Office Financial Accountants and Business Partners on forecasting and actual spend. The budget approval process is set out in greater detail at **Annex A**.

Once the budget has been agreed by the Minister of State for the Cabinet Office, the Office shall have the authority to incur expenditure approved in the budget in accordance with Cabinet Office internal and external spending controls.<sup>1</sup> This authority is subject to any restrictions imposed by this document, by statute or by the terms of the Cabinet Office Permanent Secretary's letter sub-delegating the budget allocation and financial authority. Also, once the budget has been agreed, any alterations to it proposed by the Cabinet Office would be subject to ministerial approval.

The Registrar shall obtain the Cabinet Office's prior written approval before:

- entering into any undertaking to incur any expenditure that is not provided for in the Registrar's annual budget as approved by the Cabinet Office
- incurring expenditure that could have significant future cost implications
- considering action that would constitute a role for the Registrar beyond that envisaged by the Act.

## Fees and charges

In accordance with Section 22 of the Act, the Registrar may impose charges or fees for, or in connection with, the making, updating and maintenance of the Register in accordance with regulations made by the Minister.<sup>2</sup>

Responsibility for setting any fees rests with the Cabinet Office and not the Registrar. The Cabinet Office will determine the level of any fees and in doing so, the Minister must seek to ensure that the total paid in charges is sufficient to offset the total costs incurred by the Registrar in exercising their functions

The financial framework for the Office is at **Annex B**.

## Governance and responsibilities

### Office of the Registrar and Corporate Governance

The Registrar will ensure that the Office is run in accordance with best practice in corporate governance. In particular the Registrar will:

- comply with HMG guidance on corporate governance, *Corporate governance in central government departments: code of good practice*, and the *Code of Conduct for Board Members of Public Bodies*

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<sup>1</sup> Cabinet Office 'Financial approvals and spending controls'

[https://intranet.cabinetoffice.gov.uk/task/spending-controls-and-financial-approvals/#chapter\\_head](https://intranet.cabinetoffice.gov.uk/task/spending-controls-and-financial-approvals/#chapter_head)

<sup>2</sup> Likely to be the Minister for the Cabinet Office, and the regulations in force at the time of signing are: The Registration of Consultant Lobbyists (Amendment) (No. 2) Regulations 2015

- adhere to advice and guidance issued by the sponsor department and recommendations made by the Public Accounts Committee, or other parliamentary authority, that have been accepted by Government and are relevant to the Office insofar as these are not in conflict with the Registrar's duties and obligations under the Act (a full list of the guidance that the Office will comply with is at **Annex C**)
- ensure that risks are dealt with in an appropriate manner and documented in a risk register in accordance with the Treasury guidance, *Management of Risk: Principles and Concepts*. The guidance sets out that Accounting Officers (the Registrar) should "ensure the design and systematic implementation of policies, procedures and practices for risk identification, assessment, treatment, monitoring and reporting." This should include, at a minimum, provision to the Sponsor of a quarterly update of ORCL's risk register, including on the existence of any active, threatened or reasonably anticipated litigation insofar as these are not in conflict with the Registrar's role as an independent office-holder
- comply with their duties in relation to Freedom of Information and Data Protection legislation and have appropriate policies in this regard
- maintain an up-to-date register of interests that will be publicly available on the Office's website and ensure early and ongoing communication with the Sponsor Team on any potential conflict of interest issues.

In accordance with their terms of appointment, the Registrar has a responsibility to adhere to the *Code of Conduct for Board Members of Public Bodies*. The code is based on the Seven Principles of Public Life and includes guidance on responsibilities, the use of public funds, political activity and the management of conflicts of interest. The code includes the requirement that the Registrar treat employees of the Office with 'courtesy and respect' and the expectation that employees show the same consideration in turn.

## Cabinet Office

### The Minister's role

The Minister of State for the Cabinet Office will account for ORCL on all matters concerning the Office in Parliament. The Ministers' statutory powers in respect of ORCL are set out in Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014; they are:

- to appoint the Registrar and determine their remuneration
- to dismiss the Registrar should the Minister be satisfied that the Registrar is unable, unwilling or unfit to perform the functions of the office
- to make arrangements for staff, accommodation or services to be provided to the Registrar
- to make grants or loans to the Registrar, which may be subject to conditions
- to specify the period within which the Registrar must send a copy of the annual statement of accounts to the Comptroller and Auditor General.

Through the exercise of these powers the Minister:

- is responsible for the policy framework within which ORCL operates
- approves the ORCL business plan
- maintains a power of appointment/approval in relation to the appointment of the ORCL Registrar.

### Provision of staff and shared services and information sharing

Paragraph 8 of Schedule 2 to the Act provides that the Registrar may make arrangements with the Minister or other persons for:

- staff to be seconded to the Registrar
- accommodation or services to be provided to the Registrar.

In providing staff and services to the Office, the Cabinet Office sponsor team should ensure appropriate expertise and continuity consistent with the Office's Business Plan and not seek to re-prioritise or downgrade staff according to other Cabinet Office priorities. The Cabinet Office will ensure that the Office is appropriately staffed to support the Registrar's functions as set out in the Act.

The Office staff will work under Cabinet Office pay and performance management systems. For appraisal purposes they will come under the Cabinet Office performance management systems, with input provided by the Registrar and will be managed on a day-to-day basis by the Registrar. Any concerns relating to the staffing of the office can be raised with the Sponsor Team.

Information sharing - As sponsor department, the Cabinet Office has the right of access to ORCL records in relation to finance and performance. The Office shall provide such information about its operations, performance or other expenditure as the Cabinet Office may reasonably require. In line with the Act, the Registrar maintains independence in their decision making and operation. Therefore the provision of information is limited to financial and performance matters.

### Sponsor Team

Within the Cabinet Office, the Sponsor Team<sup>3</sup> will act as the day-to-day point of contact for the Office and will coordinate work with other teams across Whitehall as appropriate. The Sponsor Team is the Parliamentary Policy team in the Constitutional Settlement Division; the responsible Senior Civil Servant for the sponsorship relationship (the Senior Sponsor) is the Deputy Director of the Division.

The Sponsor Team is the main source of advice to Ministers on the discharge of their responsibilities in respect of the Office, advising on:

- the progress of the Office with regard to its statutory remit
- an appropriate budget in order that the Office can fulfil its statutory remit
- performance of the office in achieving value for money in the delivery of its statutory remit.

The Sponsor Team also supports the Principal Accounting Officer with their responsibilities with respect to the Office.

The Sponsor Team will liaise regularly with ORCL officials to perform the following functions:

- reviewing performance against plans, achievement against targets and expenditure against budget allocations

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<sup>3</sup> In September 2021 the team was part of the Constitution Group

- informing the Office in a timely manner of any prospective changes to the statutory framework governing the work of the Office
- setting out any wider policy developments that might have an impact on ORCL at the appropriate point
- providing the Office with any relevant guidance issued by the Treasury or the Cabinet Office regarding public bodies
- supporting the Office to put into effect any recommendations accepted by the Government which affect the Office and that are issued by the Public Accounts Committee, another parliamentary select committee, or other parliamentary authority
- helping to resolve any difficulties that arise, seeking to address them in the first instance informally, at the lowest level and with the lightest touch.

### **Dispute resolution**

Any disputes between the Cabinet Office and the ORCL will be resolved in as timely a manner as possible. The Cabinet Office and ORCL will seek to resolve any disputes through an informal process in the first instance. If this is not possible, a formal process, overseen by the Senior Sponsor, will be used to resolve the issue. Failing this, the Senior Sponsor will ask the relevant policy Director to oversee the dispute.

### **Shared services provision**

The services provided include:

#### **1. Finance, IT, Shared Services and Estates**

The Office will use Cabinet Office systems for carrying out financial transactions. The Cabinet Office will provide administrative support for those transactions on behalf of the Office, including the payment of invoices. The Office's financial processes will be independent of the Cabinet Office, which must ensure appropriate Cabinet Office support, while maintaining independence. However, for the purposes of business planning and the spending review, the Office is part of Cabinet Office finance processes.

The Cabinet Office will ensure that the Office is supported by the Business Management Team (BMT), made up of finance and procurement specialists taken from the department's Finance and Commercial Management Division. The BMT's role will be to provide the Office with financial management expertise to ensure the Office's financial transactions are processed and recorded effectively. Transactions must be disaggregated in such a way as to be consistent with NAO requirements for production of independent accounts and banking. The BMT will also provide commercial expertise to ensure that the Office procures goods and services in accordance with Cabinet Office policy and procurement legislation. It will provide the following services as needed:

- financial policy and practice guidance
- processing of financial transactions for payment upon approval by the Head of the Office that they are fit for payment
- maintenance of a record of expenditure and income, production of monthly financial statements, budget monitoring and management accounts
- preparation of annual statutory accounts
- banking services



- asset management and asset register
- internal assurance
- accommodation and support services including:
  - i) desk space for each member of staff and the Registrar separate from the Cabinet Office
  - ii) access to meeting room facilities when needed.

Should the Office require them, Finance and Commercial can provide support services including:

- iii) security advice and guidance, including processing of any national security personnel checks
- iv) health and safety advice and guidance
- v) business continuity planning
- vi) specialist commercial advice and guidance, including on contracts for goods and services
- vii) contract management of national arrangements and contracts awarded to the Cabinet Office
- viii) Government Procurement Card
- ix) internal auditing services (where appropriate)
- x) fraud and irregularities investigations.

## **2. Information, Communication and Technology Service Delivery**

The Registrar will be required to make use of secured Cabinet Office IT equipment and services when conducting the business of the Register of Consultant Lobbyists. This requirement is connected to the Registrar's terms of appointment which state that the Registrar is 'required to exercise care in the use of information that you acquire in the course of your duties and to protect information that is held in confidence'.

The Registrar is the senior person responsible for compliance. The Head of Office is the designated manager as described in the Secretary of State's Code of Practice issued under section 46 of the Freedom of Information Act 2000 and is responsible for the Information Assurance Officer role. However, it is the Registrar's responsibility to comply with the Public Records Act 1958.

The Office will adopt Cabinet Office policies and systems, including its digital archive, records review, information retention and records transfer systems and policies. The following services will be provided by the Cabinet Office:

- desktop services and development of IT strategy and policy
- Email and other digital communications services
- Electronic document and records management
- IT hardware and software support
- telephone services
- internet and intranet
- print room and mail room services.

## **3. Compliance with General Data Protection Regulation (GDPR)**

As the Office is a separate registered data controller, it will appoint a Data Protection Officer (DPO) in line with the requirements of Article 37 GDPR.

The Office of the Registrar of Consultant Lobbyists DPO is currently funded by the Cabinet Office. When the DPO was appointed, a decision was made that non-departmental public bodies (including for the purposes of financing, the Registrar of Consultant Lobbyists), would not be required to contribute to funding the work of their DPOs. It was agreed that the relevant sponsoring department (the Cabinet Office) would provide the required funding. This arrangement will be kept under review and potentially adjusted should costs rise significantly.

The Office is a joint data controller with the Cabinet Office and will follow Cabinet Office policies. The responsibilities of the joint data controllers are set out in **Annex D**.

### Working jointly

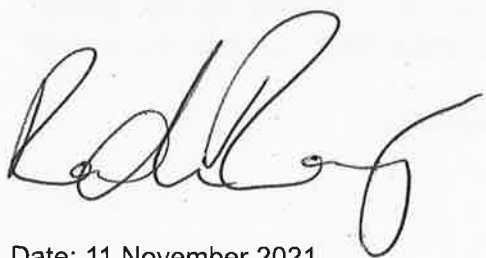
The Sponsor Team and the Registrar agree to be open and frank in all communications, fostering a relationship based on no surprises. The Registrar and Sponsor Team shall operate with a commitment to fostering good relations. The Cabinet Office, as represented by the Sponsor Team, shall provide the necessary support to the Registrar without impinging on their independence.

## **Review and forward planning**

As well as the necessary day-to-day interactions between the Registrar and the Cabinet Office, the parties will arrange regular meetings to discuss matters, which may include amongst other things:

- aims and objectives for the year ahead
- potential risks or proposed changes that could affect the achievement of the Office's statutory functions or the smooth running of the Office
- financing
- staffing
- information on the number of consultant lobbyists registered and the fee income received, as part of the transparent reporting arrangements of the Office
- any other issues that the Registrar and Cabinet Office agree need to be addressed.

Signed



Date: 11 November 2021

**Rachel Rayner**

**Deputy Director**

**Constitutional Settlement Division**

On behalf of the Cabinet Office

Signed



Date: 11 November 2021

**Harry Rich**

**Registrar of Consultant Lobbyists**

On behalf of the Office of the Registrar of  
Consultant Lobbyists

## **Annex A – Budget approval and financial reporting process**

1. The Registrar will be the Accounting Officer for the Office of the Registrar ('the Accounting Officer'). The Registrar will be appointed as an Additional Accounting Officer by the Accounting Officer of the Cabinet Office, who will delegate their authority to the Registrar. Management of the budget for the Office shall be sub-delegated to the Registrar.
2. The Registrar of Consultant Lobbyists is designated as falling within the Cabinet Office departmental boundary and as a consequence, its budget and accounts are consolidated within the Cabinet Office Estimate and Annual Report and Accounts.

### **Budget**

3. The Accounting Officer will develop the proposed budget and business plan for the Office of the Registrar of Consultant Lobbyists. The business plan sets out how the Office of the Registrar will fulfil its statutory functions for the following financial year. The Accounting Officer will work with Cabinet Office Finance to establish an appropriate date for submission of the budget - together with any risks to the budget that have been identified - for ministerial approval. Typically, the budget will be submitted in the final quarter of the financial year.
4. The budget will be developed and managed in accordance with Cabinet Office procedures, and principles set out in Managing Public Money Guidance, Consolidated Budgeting Guidance and Main Supply Estimates Guidance.
5. Subject to the timing established by Cabinet Office Finance, the Minister will approve the budget in advance of the financial year if they are satisfied that the budget is based on a reasonable forecast of the Registrar's direct and indirect costs for the forthcoming financial year, has been developed to ensure value for money and is necessary to allow the Registrar to fulfil their statutory functions as outlined in the business plan. The department's principal Accounting Officer (the Permanent Secretary) will write to the Accounting Officer to delegate the budget to them for the financial year ahead.
6. The Accounting Officer will, in turn, delegate the budget to the Head of the Registrar's Office, who will be responsible for the management of the budget and the maintenance of accounting records. The Accounting Officer will be accountable for the satisfactory completion of accounting records in accordance with Paragraph 9 of Schedule 2 to the Act.

### **Forecasting**

7. The Accounting Officer will make quarterly reports to the Sponsor Team on spend and the Head of the Office of the Registrar will provide regular updates about actual expenditure against expenditure forecast in the budget, which will include the

identification of any risks to the budget or the need to incur expenditure that is not in the approved budget.

8. If there is, or is likely to be, a need for the Registrar to incur expenditure that is not in the approved budget, the Accounting Officer will inform the Minister. If the Minister is satisfied that this expenditure is necessary and could not have been reasonably foreseen, they may make a grant in aid under Paragraph 10 of Schedule 2 to the Act.
9. The Accounting Officer will inform the Minister, within a timetable agreed by Cabinet Office Finance, an agreed timetable during the relevant financial year if seeking an amendment to the budget during that year at Supplementary Estimate.

### **Accounts**

10. In accordance with Schedule 2 to the Act, the Registrar will prepare a statement of accounts in respect of each financial year and send this within a period of time to be specified by the Minister of State for the Cabinet Office, to the Comptroller and Auditor General.
11. The Registrar must ensure that Accounts are provided to the Cabinet Office Finance Team in accordance with deadlines, which have been agreed by the National Audit Office.
12. As set out in Schedule 2 of the Act, the Comptroller and Auditor General, will examine, certify and report on the statement, and then arrange for a copy of the certified statement and the report to be laid before Parliament as soon as possible.

## **Annex B – Financial framework**

The following is the financial framework within which the Office will operate:

### **Amendment and review**

The financial framework may be changed in accordance with Government Accounting and Treasury requirements, to take account new developments. If either the Cabinet Office (CO) or the Office require changes to be made they shall notify the other in writing.

### **Compliance with guidance**

The Office shall comply with Managing Public Money and all relevant instructions and guidance published by Her Majesty's Government (including, for example, Cabinet Office and Her Majesty's Treasury's guidance), as amended and updated from time to time.

### **Budgeting and charging**

The level of funding required by the Office will be agreed between the Cabinet Office and the Registrar. The Office will advise the Cabinet Office of the funding required for both its work and staff. Both parties recognise that the Office must be funded to the amount necessary for it to fulfil its statutory requirements effectively and at the same time secure value for money.

The income the Registrar receives from the charge for registration is owed to the Treasury but there is a netting off arrangement to offset expenditure used for the running costs of the Register. Civil Penalties raised by the Registrar cannot be withheld and must be surrendered to the Consolidated Fund.

### **Grant-in-aid**

The Office is funded via a grant-in-aid from the Cabinet Office. However, as set out in the Act, the Office will seek to recoup its costs (to date, excluding its staffing and other running costs) via the fees charged to registrants.

The Cabinet Office will issue the grant-in-aid in arrears at the end of each financial year (by 31 March). This will include the registration fees paid into the consolidated fund.

The Office must obtain the approval of the CO, as sponsor Department, if it proposes to:

- (a) make special payments or gifts
- (b) write off losses.

At the end of the financial year the Office will return any issued but unexpended balance of Public Funds to the Cabinet Office. In the event that it becomes apparent during the year that funds are no longer required, the Registrar will surrender that underspend to at the earliest feasible date.

## **Expenditure**

Expenditure of the resources agreed in the budget will be a matter for the Office, subject to the normal requirements of propriety, regularity, audit and value for money, and any conditions imposed by the Cabinet Office after consultation with the Office.

The Office is responsible for:

- providing returns to the Cabinet Office as required on actual and forecast resources and cash expenditure during the course of the year
- ensuring that expenditure remains within the resources provided by the Minister of State each year
- notifying the Cabinet Office if any additional funding is required.

The Cabinet Office is responsible for:

- maintaining appropriate and regular communication and advice to the Office at appropriate levels on expenditure matters
- ensuring that any requests for additional funding are put before the Minister of State for consideration and approval in a timely way.

## **Accounting and reporting**

The Registrar is designated by the Permanent Secretary of the Cabinet Office as the Office's Accounting Officer, and is responsible (as set out in the letter of designation) for:

- regularity and propriety, keeping of proper accounts, prudent and economical administration, avoidance of waste and extravagance and efficient and effective use of resources
- ensuring that the Office's systems and processes are subject to proportionate internal controls
- producing annual accounts which conform to the standards set out in the Government Financial Reporting Manual and sending a copy of the statement of accounts, within a period specified by the Minister to the Comptroller and Auditor General, who will then examine, certify and report on the Statement ahead of laying a copy of the Statement before Parliament, in accordance with the Act
- overseeing and maintaining systems to safeguard financial propriety and regularity.

The Registrar may delegate the day-to-day administration of their financial responsibilities, including the Accounting Officer and Consolidation Officer responsibilities to another person as appropriate. However, they shall not assign absolutely to any other person any of the responsibilities set out in this Memorandum or the letter of designation.

The Registrar, as Accounting Officer, is responsible for ensuring that resources authorised by Parliament and sums to be paid out of the Consolidated Fund, in respect of the Office, are used for the purposes intended by Parliament.

The Office will be responsible for keeping proper accounts and proper records in relation to the accounts, including details of the income derived from charging for use of the Register. The Registrar must send a copy of the statement of accounts, within a period specified by the

Minister to the Comptroller and Auditor General, who will then examine, certify and report on the statement ahead of laying a copy of the statement before Parliament, in accordance with the Act.

### **Gifts and hospitality register**

The Office shall maintain a record of gifts and hospitality if received. Generally, hospitality is defined as the provision of lunches, dinners and tickets to sporting/social or leisure events.

### **Giving of gifts**

The Office must not purchase any gifts without the prior approval of Cabinet Office Finance. Such approval will only be given in exceptional circumstances.

### **Statement of Financial Responsibility**

The Cabinet Office will provide the Head of the Office with a clear financial authority to incur expenditure on behalf of the Office.

### **Insurance**

Except where there are statutory requirements, the insurance arrangements as set out in Managing Public Money will be followed.

### **Banking**

The Registrar, as its Accounting Officer, is responsible for ensuring that the Office's banking arrangements are in accordance with the requirements of Managing Public Money and are carried out efficiently, economically and effectively.

### **Procurement**

Procurement by the Office of works, equipment, goods and services shall be based on value for money, i.e. quality (in terms of fitness for purpose) and delivery against price. Where appropriate, a full option appraisal shall be carried out before procurement decisions are taken.

### **Advertising and marketing**

The Office will abide by the conventions of government publicity and advertising, set out in the Government Communication Service Propriety Guidance, and will ensure in particular that any publicity they issue is:

- relevant to their responsibilities
- objective and explanatory, not tendentious or polemical
- not party political and not liable to misrepresentation as being party political
- produced and distributed in an economic and relevant way, having regard to the need to justify the costs as proper expenditure of public funds.

The Registrar will not employ external consultants to lobby Parliament or Government.

The Registrar will seek further advice from the Cabinet Office where the use of publicity and advertising might be regarded as novel or contentious, and in all cases before employing PR consultants.

### **Assets**

The Office shall maintain an accurate and up-to-date register of its fixed assets. Any interest earned by the Office on its assets will be treated in accordance with the consolidated budgeting guidance issued by Treasury.

The Office shall not enter into any capital expenditure in excess of £5,000 (or the amount recommended in Managing Public Money) without the permission of the CO. The Office will liaise with Cabinet Office Commercial if getting three quotes for any spend under £10,000, in line with commercial procedures. The Office shall not dispose of any assets acquired with Public Funds with a net book value in excess of £1,000 (or the amount recommended in Managing Public Money) without the prior written consent of the CO. Use of proceeds of any disposal in excess of this amount shall be at the discretion of the CO.

### **Risk management**

The Office shall identify, and be responsible for ensuring that, the risks that it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance, and shall maintain a risk register, in accordance with Treasury guidance.

The Office shall adopt and implement policies and practices to safeguard the Office against fraud and theft, in line with Treasury guidance.

### **Borrowing**

The Office shall not borrow money. For the avoidance of doubt, borrowing includes temporary borrowing, such as through pre-arranged overdraft facilities.

### **Lending, guarantees, indemnities and contingent liabilities (including letters of comfort)**

The Office shall not, without prior written consent from the Cabinet Office, lend money, charge any asset or security, give any guarantee or indemnity or letter of comfort, nor incur any other contingent liability whether or not in a legally binding form.

### **Payroll and related matters**

The arrangements concerning the payroll and associated services such as taxation, National Insurance and pensions of the Office will be administered by the Cabinet Office following the department's terms and conditions.



## **Annex C – Compliance with government-wide corporate governance and instructions**

The Office shall comply with the following general guidance and instructions, insofar as these are not in conflict with the Registrar's duties and obligations under the Act:

- This Memorandum of Understanding
- Appropriate adaptations of sections of *Corporate Governance in Central Government Departments Code of Good Practice*
- Parliamentary and Health Service Ombudsman's *Principles of Good Administration*

### HM Treasury, CIPFA guidance:

- *Managing Public Money* (MPM), including Chapter 6, *Fees, Charges and Levies*
  - *Orange book: Management of Risks - Principles and Concepts*
  - *Government Financial Reporting Manual* (FReM)
  - *Departmental Banking: A Manual for Government Departments*
  - *Regularity, Propriety and Value for Money*
  - *Managing the Risk of Fraud and Corruption*
  - Public Sector Internal Audit Standards
  - Relevant guidance and instructions issued by the Treasury in respect of Whole of Government Accounts
  - Relevant "Dear Accounting Officer" letters
  - Consolidation Officer Memorandum and relevant DCO letters
- 
- Relevant Freedom of Information Act guidance and instructions
  - Other relevant instructions and guidance issued by the central departments
  - Specific instructions and guidance issued by the sponsor department
  - Recommendations made by the Public Accounts Committee, or other parliamentary authorities that have been accepted by the Government and are relevant to the Office.

## **Annex D – Memorandum on joint data controller responsibilities**

The Office of the Registrar collects, holds and uses personal data in discharging its responsibilities. This data can relate to members of the public (e.g. lobbyists, correspondents), and to staff members. Because the Office uses Cabinet Office IT systems, all of its personal data is held by the Cabinet Office, a separate data controller. The Office also relies on Cabinet Office for HR and finance services, which requires sending personal data to the Cabinet Office.

It is the view of the Cabinet Office and the Office that they are acting as joint data controllers in relation to all personal data processed by the Office.

Both the Cabinet Office and the Office will:

- comply with the data protection principles, and with all relevant data protection legislation
- properly involve their Data Protection Officer in a timely manner in issues that relate to data protection
- ensure an appropriate level of technical and organisational security for the personal data
- publish this memorandum.

The Cabinet Office will be the responsible lead data controller for processing of staff personal data pursuant to carrying out HR or finance functions on behalf of the Office, and in relation to the administration of IT services provided to the Office. These responsibilities include:

- the provision of Privacy Notices to staff about how their personal data are being handled
- the maintenance of processing records under Article 30 GDPR
- reporting data breaches that relate to the processing of HR or finance staff data, or which relate to the IT infrastructure provided
- carrying out any Data Protection Impact Assessments required by law
- responding to data subject requests relating to staff HR/finance data, or the administration of IT services
- manage any contracts of data processors as part of the Cabinet Office IT provision to the Office.

In relation to any personal data which is processed by the Office in carrying out its duties, the Office will be responsible for:

- the provision of Privacy Notices to data subjects setting out how the Office uses their personal data
- the maintenance of processing records under Article 30 GDPR relating to how the Office uses personal data to carry out its duties
- reporting data breaches which occur as a result of the actions of the staff of the Office, including their usage of the IT systems provided to the Office
- carrying out any Data Protection Impact Assessments required by law for activities of the Office
- responding to data subject requests that relate to the carrying out of the tasks of the Office. The Cabinet Office will provide reasonable required assistance to the Office in responding to data subject requests

- managing any data processor contracts in relation to additional IT services procured by the Office.

