

MINUTES OF THE CMA BOARD

Meeting date: 23 March 2022
Venue: In the Cabot and by videoconference

Members present¹

Jonathan Scott (Chair)
Kirstin Baker
Martin Coleman
Andrea Coscelli (CEO)
Cynthia Dubin
Amelia Fletcher
Michael Grenfell
Bill Kovacic
David Stewart
Erik Wilson (COO)

Advisors present

Sarah Cardell, General Counsel
Stuart Hudson, Senior Director
Strategy, Communications and
Advocacy
Mike Walker, Chief Economic
Adviser

Observer present

Murdoch MacLennan

CMA staff present

Kate Bridge, Director of Executive Office, Security and
Performance
Sukhinder Lalli, Legal Director, Governance,
Compliance and Risk
Board Secretary (minutes)

Teams

The meeting was attended by staff from across the
CMA including from the Digital, Governance and Risk,
Enforcement, and People, Capability and Change
teams.

1. Introduction

The Chair welcomed the Board members to the meeting, including Murdoch MacLennan (incoming Chair of the Office for the Internal Market Panel) who was observing. There were no new conflicts declared or declarations of gifts or hospitality. The Chair highlighted that this was Bill Kovacic's last meeting as his term as a Non-Executive member of the Board ends on 31 March 22.

2. Minutes

The Board approved the minutes from the meetings of 23 February and 1 March 22 with no changes. The Board acknowledged the committee minutes received.

¹ Cynthia Dubin and David Stewart were recused from item 8 due to previously declared conflicts; Cynthia Dubin was also recused from item 9. Kirstin Baker was recused from item 8 as ERRA; schedule 4; paragraph 33 requires the recusal of a Board member on a matter where the Board is considering whether to refer a matter to a Panel, and the Board member in question might reasonably be expected to be a member of a group formed in connection with the matter.

3. Audit and Risk Assurance Committee (ARAC) update

The Chair of ARAC, Cynthia Dubin, updated the Board on the recent meeting of the Committee.

4. Panel update

The Chair of the CMA Panel updated the Board on recent discussions with the Panel Chairs and members.

5. Pipeline Steering Group update

The Board received an update on potential cases in the CMA's pipeline.

6. Chief Executive's update including Corporate risk register, External guidance tracker and Future operating model

The CEO updated the Board on the work of the CMA, including current cases, litigation and other developments in the CMA. The Board reviewed the Risk Register and the External Guidance tracker.

7. Revised Gifts and Hospitality policy

The Board agreed the revisions to this policy, and approved the proposal to publish this policy and the requirement to publish a Board members' register of accepted gifts and hospitality. It noted that the CMA expects to publish this in April.

8. Digital markets strategy

The Board discussed the CMA's strategy for its portfolio of digital cases, noting that this strategy aims to strike a balance between preparing for the Digital Markets Unit (DMU) and taking targeted action to deliver results for consumers now. The Board highlighted that, under this strategy, where we see opportunities to bring cases under existing powers we will do so, while agreeing the best long-term solution to dealing with the bulk of the competition problems in these markets remains new legislative powers anticipated for the DMU.

9. Google Privacy Sandbox: Implementation of the commitments

The Board was updated on the implementation of the commitments from Google in relation to its proposals to remove third party cookies on Chrome and develop its Privacy Sandbox tools. It noted the recent appointment of ING Bank as monitoring trustee. The team highlighted that it will now continue its engagement with Google, in parallel to having regular engagement with ING Bank and the Information Commissioner's Office as well as third party stakeholders as part of its monitoring of Google's design, development of the Privacy Sandbox tools.

10. Annual Report and Accounts 2021/22

The Board reviewed and commented on the proposed skeleton for the CMA's 2021/22 Annual Report, noting the tight timetable for the production on the Report, given that it must be laid in all four legislatures in the UK.

11. Staff Survey 2021 and Corporate Action Plan

The Board discussed the results of the CMA's recent Staff Survey, and the proposed priorities that will underpin the Corporate Action Plan 2022/23, highlighting the positive results given the context of the recent pandemic and the introduction of hybrid working. The team highlighted that Leadership and Change will be a key focus, along with Respect and Health and Wellbeing and that all these themes build on work from the previous year. The Board agreed the importance of following up on the survey results and approved the proposed plans.

12. Equality, Diversity and Inclusion

The Board discussed equality, diversity and inclusion in the CMA.

13. AOB

- **DRCF Algorithmic Processing papers**
- **Finance pack January 2022**

The Board received and noted these papers.

The Chair thanked Bill Kovacic for his significant and broad contribution over the last nine years, noting that he will leave a lasting legacy. He wished Bill the very best for the future and hoped that the CMA will continue to have close links with him.

The Chair thanked the Board for the meeting.