

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Aneurin Bevan Health Board

Block C, Top floor
Mamhilad House
Mamhilad Park Estate
Pontypool
NP4 0YP

I, Dr Andrew Goodall, Chief Executive of Aneurin Bevan Health Board ('ABHB') for and on behalf of ABHB, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Aneurin Bevan Health Board is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the 'Act'), in respect of the processing of personal data carried out by ABHB and is referred to in this Undertaking as the 'data controller'. Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the 'Commissioner') was provided with a report that a letter containing a detailed psychological report of a mental health patient had been sent to another former patient with a very similar name. The error had occurred when a consultant emailed his letter to a secretary for formatting but did not include sufficiently clear identifiers for the secretary to select the correct patient. The doctor had also used the spellings of both patients' names in his email.
3. Further investigations revealed that neither the consultant nor the secretary involved in this incident had received any data protection training from the data controller, and that practices such as had led to this incident were quite widely used by clinical and secretarial staff within the organisation.
4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1, Part I to the Act. The Commissioner has also considered the fact that the data involved in this incident consisted of information as to the mental health or condition of the data subject. Personal data containing such information is defined as 'sensitive personal data' under section 2(e) of the Act.

5. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

- (1) All staff, including clinical staff, are made aware of the data controller's policy for the storage and use of personal data and are appropriately trained how to follow that policy;**
- (2) Compliance with the data controller's policies on data protection and IT security issues, and with physical security requirements, is appropriately and regularly monitored;**
- (3) The checking processes to confirm patient identity before issuing correspondence, as recommended by the internal investigation report into this incident, shall be immediately adopted across all the data controller's sites;**
- (4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Dated on publication

Signed
Dr Andrew Goodall
Chief Executive
Aneurin Bevan Health Board

Signed
Steve Eckersley
Head of Enforcement
For and on behalf of the Information Commissioner