

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: London Borough of Barking & Dagenham

Civic Centre
Dagenham
RM10 7BN

I, Graham Farrant, Chief Executive of London Borough of Barking & Dagenham, for and on behalf of London Borough of Barking & Dagenham hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. London Borough of Barking & Dagenham 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 London Borough of Barking & Dagenham 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 informed on 10 September 2013 that London Borough of Barking & Dagenham had sent a letter containing personal data to an incorrect address. The letter contained a case file with medical data relating to 11 children.
3. On further investigation of the matters, it came to light that the medical data contained within the case file was not particularly detailed. Attempts were made to contact the recipient by telephone and letter, but these did not result in the retrieval of the information. London Borough of Barking & Dagenham had not been able to retrieve the case file from the address as of 21 January 2014, a period of five months after the initial disclosure.
4. The Commissioner had previously given London Borough of Barking & Dagenham advice on improving its approach to containment and recovery in relation to incidents where personal data was lost, with a particular emphasis on the speed of such actions.

5. 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 some of the data lost in this incident consisted of information as to the physical or mental health of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(d) of the Act.
6. Following consideration of the remedial action that has been attempted by the data controller, but which was ultimately unsuccessful in this case, 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) The data controller ensures that a procedure or policy is put in place detailing the steps to be taken when a loss of personal data occurs;**
- (2) the data controller ensures that all staff are made aware of the requirements of this procedure or policy;**
- (3) the data controller ensures that this procedure or policy contains specific and reasonable timeframes in which actions will be taken to retrieve personal data, and;**
- (4) the data controller shall implement such other security measures as are appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Signed:

Graham Farrant
Chief Executive
London Borough of Barking & Dagenham

Dated:

Signed:

Stephen Eckersley
Head of Enforcement
For and on behalf of the Information Commissioner

Dated: