

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Wirral Metropolitan Borough Council

Wallasey Town Hall
Brighton Street
Wallaey
Wirral
CH44 8ED

I, Graham Burgess, Chief Executive of Wirral Metropolitan Borough Council (the 'Council'), for and on behalf of the Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. The Council 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 the Council 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 of two separate incidents in which sensitive personal data was incorrectly handled by social work staff employed by the data controller. These incidents took place in February and April 2013 and in both incidents social work information was sent to the wrong address resulting in the disclosure of sensitive personal data regarding two separate families.
3. On investigating these matters further, the Commissioner discovered that whilst there was an ICT Security Policy in place regarding the use of IT equipment, this did not promote the use of locked printing which was available on printers. Furthermore, the data controller's overarching Data Protection Policy did not contain suitable practical guidance in relation to data protection issues not covered by the ICT Security Policy. In respect of staff training, the Commissioner was particularly concerned to note that it was only following these incidents that the data controller introduced mandatory data protection training. Previously the training had been discretionary and

social workers had not received specific data protection/ data handling training. Whilst the social workers had received informal training delivered in the office environment around established practice, the Commissioner still believes it is important for social workers to receive formal data protection training from the data controller, despite the professional nature of their work.

4. The Commissioner was also aware of three previous disclosure incidents reported over the last 16 months in respect of which his office had not taken formal regulatory action.
5. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of these matters. 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.
6. The Commissioner has also considered the fact that some of the data placed at risk in these incidents consisted of information as to the physical or mental health condition of individuals, their ethnicity, and in some instances the alleged commission of an offence. Personal data containing such information is defined as 'sensitive personal data' under section 2 of the Act.
7. 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) Sufficient processes are put in place so that documents are sent to the correct address, and that practical guidance on these processes are communicated to all staff;**
- (2) Further steps are taken to promote the use of locked**

printing functions available on printers and the prompt collection of paperwork where locked printing is not used or available;

- (3) All staff (including social workers) complete the mandatory data protection training by no later than 30 June 2014.**
- (4) Completion of the mandatory data protection training for all staff (including social workers) is fully monitored and enforced where necessary with the training material being updated and reiterated in some manner at regular intervals, not exceeding two years;**
- (5) The data controller shall also review its data protection policies and procedures generally to ensure that sufficient practical guidance is provided to staff in how to comply with the Act, and will ensure that such revised guidance is communicated effectively to staff by no later than 30 June 2014**
- (6) The data controller shall also 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 Burgess, Chief Executive
Wirral Metropolitan Borough Council

Dated:

Signed:

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

Dated: