

## **Data Protection Act 1998 (DPA) Undertaking follow-up**

### **Dudley Metropolitan Borough Council ICO Reference: ENF0491782**

On 26 November 2014, the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Dudley Metropolitan Borough Council (DMBC) in relation to the undertaking it signed on 11 April 2014.

The objective of the follow-up is to provide the ICO with a level of assurance that the agreed undertaking requirements have been appropriately implemented. We believe that appropriate implementation of the undertaking requirements will mitigate the identified risks and support compliance with the DPA.

The follow-up assessment consisted of a desk based review of the documentary evidence which DMBC supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included induction checklists for agency workers, training statistics, specific guidance on handling personal data out of the office and general guidance on information security.

The review demonstrated that DMBC has taken some steps and put plans in place to address all four of the requirements of the undertaking:

- **(1) both permanent members of staff and agency workers use consistent standards in relation to handling personal data, and all staff are made aware promptly of any changes to these standards;**
- **(2) the completion of mandatory induction data protection training, in relation to both the requirements of the Act and the data controller's policies concerning the use of personal data, is enforced for both permanent and agency staff. Completion of such training shall be recorded and monitored to ensure compliance;**

- **(3) guidance regarding taking personal information out of the office should be available to all social workers conducting home visits. Procedures should cover the removal, transport, security and safe return of material containing personal data. This may include the utilisation of anonymisation techniques where appropriate; and**
- **(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.**

by:

- ensuring that agency staff sign a declaration that they have read DMBC's Data Protection and Information Security policies prior to commencing their placement at DMBC;
- ensuring that it is mandatory for permanent staff to complete the data protection and information security training e-learning on a biannual basis (84% of staff had completed the training by the end of October 2014);
- introducing guidance during June and July 2014 in regard to taking information on home visits and out of the office; and
- piloting the use of encrypted tablet devices by social workers to eliminate the need for manual records on home visits, developing an online Privacy Impact Assessment (PIA) tool to identify and address information risks, developing a corporate Information Asset Register to establish what records are held and where to help identify and monitor appropriate security controls in respect of the same, and keeping guidance concise and understandable for staff such as a 'Do and Don't' information security list.

However, DMBC needs to complete further work to fully address all four of the requirements of the undertaking, namely ensuring that:

- the agency staff declaration incorporates the guidance as to taking information on home visits and out of the office;
- the remainder of staff complete the training, DMBC follow-up failure to complete training, DMBC monitor training completion in line with key performance indicators at a corporate level (for example, the Corporate Information Governance Board) and that DMBC also undertake all of these measures in respect of agency staff as a matter of priority by fulfilling its intention to migrate the e-learning

to a cloud based application to enable and compel agency workers to complete the e-learning as a prerequisite for access to personal data at DMBC; and

- all policies and high level guidance have named owners (as opposed to authors) to set out clear ownership, a requirement for an annual review set out within individual policies and guidance themselves and version control and a table for an overview of amendments to differentiate between current and redundant versions.

Date issued: 26 November 2014

***The matters arising in this report are only those that came to our attention during the course of the follow up and are not necessarily a comprehensive statement of all the areas requiring improvement.***

***The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place, rests with the management of DMBC.***

***We take all reasonable care to ensure that our Undertaking follow up report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.***