

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Parole Board for England and Wales

Grenadier House
99-105 Horseferry Road
London
SW1P 2DD

I, Claire Bassett, Chief Executive, of the Parole Board, for and on behalf of the Parole Board hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. The Parole 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 the Parole Board, 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. In September 2013 the Information Commissioner (the 'Commissioner') was informed by the Parole Board that a paper dossier of evidence for a prisoner's parole review on which the parole member was carrying out an initial assessment had been potentially lost whilst on a train. The dossier contains personal information about a prisoner relating to their index offence, progress in custody and other confidential reports.
3. The parole member involved in the incident is almost certain that the documents have been shredded. The data controller reported the incident to the Commissioner because the member cannot specifically recall shredding this particular document and therefore thought it possible that they had left the dossier on the train. The parole member called the train company and the destination station and they both confirmed that the documents had not been discovered.
4. It has been noted that the data controller has implemented some changes to their guidance in particular around the

transportation and destruction of dossiers as a result of this incident. The Commissioner considers that given the scale of this service, its geographical reach and the sensitivity of the data the members have access to, further organisational controls to safeguard the processing of this data are required. Of particular concern is the lack of DPA training and what would appear to be a less than robust approach to ensuring that documents are returned or securely destroyed. It is further noted that some of the processing of this data is carried out on paper files held in parole member's homes.

5. The Commissioner's enquiries revealed that the data controller needed to do more to properly assess the suitability of sending such documents to parole members' homes. In particular the data controller needs to be able to better account for the safe storage, handling and destruction of such data given that it appears to be dispersed to a large number of people across a potentially wide geographic area.
6. 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 potentially lost in this incident consisted of information as to the physical or mental health or condition of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(e) 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) The Data controller shall implement a remote working policy and procedure, such as a signed declaration or checklist, which assesses and records the suitability of sending dossiers to a domestic environment. In**

particular it should cover the provision of safe storage and handling of such data;

- 2) The data controller shall implement a requirement for Parole Members to confirm destruction of parole dossiers. Where possible secure shredding should be carried out in a controlled environment, but where there is no other option than for documents to be shredded externally such as at a Parole Members home, additional procedures and checks should be implemented;**
- 3) The data controller shall provide, and monitor data protection training for Parole Members (this can include online training), and provide and monitor refresher training;**
- 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:

Claire Bassett
Chief Executive
Parole Board for England and Wales

Dated:

Signed:

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

ICO Ref: ENF0513664



Dated: