

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Doncaster Metropolitan Borough Council

Civic Office
Waterdale
Doncaster
DN1 3BU

I, Jo Miller, Chief Executive of Doncaster Metropolitan Borough 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. Doncaster Metropolitan Borough 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 Doncaster Metropolitan Borough 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 on 10 October 2014 that the data controller had lost a file containing 66 records of families requiring Health services. There is no evidence to suggest the file is in the public domain and it appears the loss arose as a result of an internal office move. The Commissioner is satisfied that due to the physical security measures normally in place the matter does not require formal regulatory action.
3. However as a result of the Commissioner's investigation into the security incident it became apparent that there are low levels of staff completion of the data controller's mandatory data protection training. Furthermore staff are only required

to undertake data protection training every three years. This is inconsistent with the Commissioner's guidance and previous advice on good data protection practice. Whilst it is for the data controller to determine who is required to attend data protection training, and the frequency and content of such training, the Commissioner considers annual mandatory training for all staff handling personal data to be good practice.

4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of these issues. 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.

5. Due to the low levels of completion of the mandatory training, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act in respect of the low levels of attendance at the mandatory training, 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 will:

- 1) Conduct a training need analysis for all roles within the organisation to ascertain the level of data protection awareness required for the role, and the frequency at which the individual should receive refresher training to ensure they are reminded of their obligations in order to prevent further security incidents. This analysis should also consider whether the training should be tailored for specific roles, and should be**

completed by January 2016.

2) Deliver mandatory data protection training to the relevant individuals, and at the intervals agreed, as set out in the training needs analysis above.

3) Ensure all staff required to undertake mandatory training complete the training within the timescales identified.

Signed:

Jo Miller
Chief Executive
Doncaster Metropolitan Borough Council

Dated:

Signed:

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

Dated: