

## **Data Protection Act 1998 Undertaking follow-up**

### **Community Transport (Brighton, Hove & Area) Ltd ICO Reference: COM0571033**

On 29 January 2016 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Community Transport (Brighton, Hove & Area) Ltd in relation to the undertaking it signed on 22 July 2015.

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 Data Protection Act 1998.

The follow-up assessment consisted of a desk based review of the documentary evidence Community Transport supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included a copy of the internal document, "Data Protection: Guidelines for Staff on the Handling of Personal Data", and a written report on the progress against made against each undertaking.

The review demonstrated that Community Transport has taken steps in accordance with their undertaking, and put plans in place to address some of the requirements. However further work needs to be completed to fully address the agreed actions.

Details of the agreed undertaking points and the current state at follow up are as follows:

- 1) Portable and mobile devices including laptops and other portable media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent.

The implementation of encryption software has not been implemented pending a database upgrade which we are assured is nearly complete. While we appreciate the technological issues that IT systems can pose, this remains an area of concern as it represents a considerable vulnerability which should be addressed as soon as possible.

- 2) Policies relevant to the storage and use of personal data are improved in light of this incident;

Revised guidelines for staff on the storage and handling of personal data have been created. A copy has been supplied in the form of a Word document titled "Data Protection: Guidelines for Staff on the Handling of Personal Data".

- 3) Policies and procedures relevant to the retention of personal data are implemented in light of this incident;

The above mentioned policy document does now state that a retention period of two years since the last time the service was used is to be implemented against customer records. No specific proof of the policy being implemented has been provided so we must trust this is now ongoing.

- 4) Staff are aware of the data controller's policy for the storage and use of personal data and are appropriately trained how to follow that policy;
- 5) Staff responsible for the handling of personal data are given appropriate, specific training upon induction and this training is refreshed regularly;

Community Transport has stated in their response that the required training programs are now in place to advise staff of the above policy, and how to handle personal data. However no evidence of this was provided, such as training logs, to demonstrate this. Community Transport should ensure mechanisms are in place to monitor compliance with training requirements to ensure that all staff members complete the newly established training programme.

- 6) 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.

Backup hard disks are still manually removed from the site nightly. Community Transport maintain that they database system used to store the data makes access impossible without corresponding database software. While we appreciate the assurances that the data would not be accessible, we still recommend that either an encrypted solution is used or the backup routine be transferred to an appropriate cloud based solution.

Date Issued: 29 January 2016

***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 Community Transport (Brighton, Hove & Area) Ltd.***

***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.***