



Data Protection Act 1998 Undertaking follow-up

Cyngor Gwynedd ICO Reference: ENF0529935 and ENF0505747

On 9th March 2015, the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Cyngor Gwynedd (CG) in relation to the undertaking it signed on 17th September 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 Data Protection Act 1998.

The follow-up assessment consisted of a desk based review of the documentary evidence CG supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included: the completed undertaking follow-up schedule; a spot checks office checklist; a bulletin covering transportation of paper records; information management circular; a screenshot of the new ELearning module; departmental records management and Data Protection Act guidance for Social Services; staff DP reminder note; and guidance on handling paper records containing personal or confidential data out of the office.

The review demonstrated that CG has taken some steps and put plans in place to address the requirements of the Undertaking:

- **(1) The data controller shall monitor and enforce mandatory data protection training, and provide and monitor refresher training;**
- **(2) Staff are regularly reminded of the data controller's policies for the transportation, exchange and use of personal data and are appropriately trained how to follow that policy; and**

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- **(3) 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.**

Requirement (1)

CG confirmed that it had taken the following steps to address requirement (1):

- Ongoing programme of class-room based training has continued. 17 sessions delivered;
- Refresher training to be carried out on 3 yearly basis;
- Action taken to provide training to home care staff on induction and to first year social workers and social work students on placements; and
- E-learning module has been written and will be launched in March 2015.

The following evidence was provided:

- Screenshot of ELearning module – based on spotting information security risks; and
- Staff DP Reminder Note – includes 8 important data protection points, 6 responsibilities to remember and what to do when things go wrong.

However, CG needs to complete further work to fully address requirement (1) of the Undertaking, namely ensuring that:

- The remainder of staff who handle personal data (including home care staff, first year social workers and social work students) undertake the mandatory data protection training;
- Systems are in place to monitor attendance of mandatory training (including refresher training) and follow-up any non-attendance; and
- CG's programme of classroom-based training is refreshed at least every two years, although best practice would be annual refresher training. However, upon implementation of the new ELearning module, this could be refreshed annually and the classroom-based programme refreshed every two years. Therefore, all staff will receive some data protection training annually.

Requirement (2)

CG confirmed that it had taken the following steps to address requirement (2):

- CG's policies for the transportation, exchange and use of personal data are covered in classroom-based training;
- Guidance issued in the Information Management newsletter (November 2014);
- Guidance sent out in Bulletin on 27/01/2015 - circulated on staff intranet and 'Yammer'; and
- Guidance sent out to Social Services staff in February 2015.

The following evidence was provided:

- Bulletin No. 15 Transportation of Paper
- Information Management Circular No.7
- Guidance on 'handling paper records containing personal or confidential data out of the office' – includes key principles and practical steps

To fully address requirement (2), CG needs to complete further work by ensuring that:

- Determining a set frequency to send out future reminders. This will ensure that staff are regularly reminded of the data controller's policies for the transportation, exchange and use of personal data as required by the Undertaking.

Requirement 3

CG confirmed that it had taken the following steps to address requirement (3):

- Rolling programme of awareness raising - regular bulletins and newsletters;
- Briefing note sent to Social Services staff in September;
- Spot checks of offices have been undertaken to ascertain whether the clear desk policy is being followed;

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- New policy compliance tool to be launched in April; and
- Data Protection and Records Management Handbook prepared for Social Services staff.

The following evidence was provided:

- Spot checks office checklist; and
- Departmental Records Management and Data Protection Act 1998 Guidance (for Social Services). Covers: Confidentiality and Personal Sensitive Information; Sharing Information; Access to Records; Recording Practice Guidance; Retention, Destruction and Security; and Data Misuse.

However, CG needs to complete further work to fully address requirement (3) of the Undertaking by ensuring that:

- The draft Records Management and Data Protection Handbook prepared for Social Services is finalised and issued to staff; and
- The office spot checks continue to be conducted on a regular basis if not already.

Date issued: **18th March 2015**

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 Cyngor Gwynedd.

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.