

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: East Riding of Yorkshire Council

County Hall
Beverley
East Riding of Yorkshire
HU17 9BA

I, Nigel Pearson, Chief Executive of East Riding of Yorkshire Council (the '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. East Riding of Yorkshire 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 the 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 provided with reports of two separate incidents occurring during April/May 2012. In one, the data controller's employee mistakenly included sensitive personal data about one family in a response to a subject access request made by another; and in the other, a student social worker revealed to the parent of a child under assessment the first name of an individual who had made an anonymous referral about that parent to the data controller's children's services team.
3. Following investigation by the Commissioner's staff, both incidents could be attributed to a general lack of data protection awareness and training, together with a lack of proper management or checking procedures when dealing with subject access requests or supervising non-employees, such as students on placement.
4. 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 involved in one incident consisted of information as to the special needs of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(e) of the Act. However, despite this, the risk of substantial damage or distress to the data subjects in this instance is remote.

5. 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) All those whose role involves the routine processing of personal data for the data controller shall undertake training in both the requirements of the Act and the data controller's policies relating to the use of personal data at induction and at regular intervals (of no longer than three calendar years each) thereafter. Completion of such training shall be recorded and monitored to ensure compliance;**
- (2) All responses to subject access requests shall be checked by appropriately trained staff prior to being issued, to prevent further disclosures of third-party personal data;**
- (3) The data controller shall, by 30 June 2013, review its policy and guidance on processing personal data to include more detail as recommended by the Commissioner;**
- (4) Compliance with the data controller's policies on data protection and IT security issues shall be appropriately and regularly monitored;**
- (5) 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.**

Dated on publication

Signed

Nigel Pearson, Chief Executive
East Riding of Yorkshire Council

Signed

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