

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: St Helens Metropolitan Borough Council

Town Hall
Corporation Street
St Helens
Merseyside
WA10 1HP

I, Carole Hudson, Chief Executive, of St Helens Metropolitan Borough Council for and on behalf of St Helens Metropolitan Borough Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. St Helens 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 St Helens 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') received a report on 11 September 2013 which stated that a bundle of documents relating to a child in foster care had been disclosed. The Council had selected the correct recipient, and had successfully redacted the majority of the data to which the recipients were not entitled from the bundle. However the address of a child's current foster placement was missed. As a result, the address was disclosed to the child's biological parents.
3. Following investigation it was identified that the document containing the address had been provided by the child's school. The Council were unaware that the address was present and were unfamiliar with the document in which it was contained. Consequently the address was missed and was provided in unredacted form.

4. The Commissioner's investigation established that there were no written procedures in place regarding the redaction of material containing personal data and that the data controller did not routinely carry out peer checking on documents of this nature prior to distribution.
5. 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.
6. 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) A secondary peer checking process should be introduced to review documentation prior to it being posted;**
- (2) Advice will be provided to organisations which supply information as part of the statementing process to ensure unnecessary personal data is removed from documents prior to being provided to the Council;**
- (3) Staff are aware of the data controller's policy for the storage and use of personal data and are appropriately trained in how to follow that policy;**
- (4) The data controller should monitor compliance with the policy on an ongoing basis and report on this to appropriate senior management and/or forums;**
- (5) 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:

Carole Hudson
Chief Executive
St Helens Metropolitan Borough Council

Dated:

Signed:

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

Dated: