Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

Data Protection Act 1998
Undertaking follow-up

Kings College London
ICO Reference: COM0562205

In January 2016 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Kings College London (KCL) in relation to the undertaking it signed in 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 KCL supplied to demonstrate the action it had taken in respect of the undertaking requirements. As part of the documentation provided by KCL, an undertaking follow up schedule was submitted which outlined changes that had taken place within the business.

In response to the review, KCL also sent through the following documents:

- Session Plan: foundation module in data protection.
- Data protection at Kings: mandatory module.
- Bitesize training presentation.
- Data protection and mandatory training at Kings (letter to new starters).
- Data protection training: new starter management process.
- Feedback from the data protection training.
- Example email issued by senior management about data protection training.
- Data protection completion rates.
- Guidance on email communications.

- Email guidance communication.
- Data Protection Policy.
- Information Security Policy.
- Information security review meeting.

KCL has taken appropriate steps and put plans in place to address the requirements of the undertaking and to mitigate the risks highlighted.

In summary, they confirmed that they have taken the following steps:

(1) The data controller shall introduce mandatory DPA training for all staff handling personal data by 31 October 2015. The data controller shall require its employees to receive this training on induction and for this training to be refreshed at least every two years.

The 'session plan' and the 'e-learning module export' provided clearly shows the training that the employees of KCL will be receiving. This training shows the importance of data protection and the responsibilities that all staff members have. We have also been sent the 'Bite sized training presentation' which all new staff (from October 2015) will see when they start working for KCL. If they do not attend this presentation new staff will undertake the e-learning module on induction. Also it is anticipated that refresher training will be launched at the beginning of the 2017/2018 academic year.

(2) The data controller shall ensure that all staff handling personal data receives the above data protection training by 31 December 2015.

The 'Completion rates' spreadsheet shows how many staff members have completed training from all departments. 83% of staff members have engaged with the module. However if broken down we can see 98% of professional services staff and 76% of academic staff have completed this training.

Although this is a significant improvement, we would like to see a higher percentage of staff members across the whole of KCL completing the data protection training.

(3) The data controller shall ensure that completion of data protection training sessions is fully monitored and that completion statistics are reported to relevant management and / or working groups, e.g. the SIRO or an information governance group. Appropriate follow up procedures should also be in place in the event of staff non-compliance.

A Data Protection Policy was updated and approved by the Data Governance and Strategy Group on 7 October 2015. In Section 7.3 of this policy it states that the Information Management and Compliance Team are responsible for monitoring and reporting on compliance with mandatory data protection training. It has been stated that this team will report on training on a termly basis to the Data Governance and Strategy Group. Section 8 of the policy also states that all staff must complete data protection training when they start employment and refresher training every two years. Failure to do this training will constitute a breach of policy and may result in disciplinary action. Regular reports have already been sent to senior members of staff whilst the data protection training was being rolled out.

(4) The data controller shall review its policies to ensure that appropriate checking procedures are in place when sending communications to students and that there are written procedures or guidance to support these by 30 September 2015.

An email communication was sent to all staff on 29 September 2015 giving guidance on sending email communications to students. Within this email there are links to specific guidance documents and also informs staff of the data protection training they will have to do. The guidance document itself (which can be found on KCL's website) gives a detailed explanation on what needs to be considered when sending emails to students.

(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.

The Information Security Policy was updated on 1 November 2015. The IT management security meeting minutes on the 27 November 2015 show that ongoing discussions are taking place about the improvement to IT security measures.

Date Issued: 22 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 rest with the management of KCL.

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.