

# DATA PROTECTION ACT 1998

## UNDERTAKING

Data Controller: Isle of Anglesey County Council  
Council Offices  
Llangefni  
Anglesey  
LL77 7TW

I, Clive McGregor, Executive Leader of Isle of Anglesey County Council, for and on behalf of Isle of Anglesey County Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:


1. Isle of Anglesey County 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 their appointed data processor, 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 by the data controller with a report concerning a breach of the Act involving an appointed data processor. The report concerns the disclosure of personal data within benefit entitlement letters to the incorrect recipients. The letters included financial information about each individual's benefit entitlement, income and savings. The breach occurred as a result of envelope packing errors.
3. The data controller had no contractual agreement "made and evidenced in writing" with their data processor. Instructions on the security and processing of personal data were not provided by the data controller to their data processor. These are both requirements of the Act. It was noted that the data controller contacted those affected by this breach and intends to implement written contractual agreements with all its data processors in future.
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.
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) Any processing of personal data carried out by a data processor on behalf of the data controller is completed under a contract made and evidenced in writing, and that the data processor will only act on instruction from the data controller.**
- (2) The data controller's current contract procedure rules are amended to reflect the requirements of the Act where a contract involves the processing of personal data.**
- (3) Adequate security checks are carried out on data processors staff, and such staff will be made aware of the data controller's security policy for handling personal data.**
- (4) Sufficient guarantees are obtained in respect of technical and organisational security measures provided by the data processor.**
- (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 *31<sup>st</sup> January 2011*

Signed   
Clive McGregor  
Executive Leader  
Isle of Anglesey County Council

Signed   
Mick Gorrill  
Head of Enforcement  
For and on behalf of the Information Commissioner