

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: **City of York Council**

**The Guildhall
York
YO1 9QN**

I, Kersten England, Chief Executive, of City of York 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. City of York 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 City of York 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 a report detailing the erroneous disclosure of an individual's personal data. The disclosure occurred as a result of the information in question being erroneously included with documentation sent to an unrelated third party.
3. The information in question was mistakenly collected from a shared printer by a council employee, who failed to check the documentation was only for their case and did not contain any unrelated personal data. The documentation was subsequently copied for distribution, but a lack of quality control, personal ownership and management supervision failed to prevent the information in question from being wrongly included. Whilst sufficiently robust information governance and risk management policies appear to be in place at the Council, in this case council employees failed to use simple quality control checks. Furthermore, the risk posed by a department, responsible for processing sensitive personal data on a regular basis, using a shared printer without an appropriate level of protection, appears not to have been identified.

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 disclosed in this incident consisted of information defined as "sensitive personal data" under sections 2(g) and 2(h) of 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) Procedures are implemented to prevent documentation containing any form of personal data, from being printed where there is no business need to do so.**
- (2) Procedures are implemented to add an appropriate level of control to the use of shared printers, which should prevent documentation from being automatically printed. Alternatively, the Council could consider the introduction of additional printers as appropriate.**
- (3) The modernisation or renewal, as applicable, of the Council's clear desk policy to include, but not be limited to, printer trays, post trays and pending work trays.**
- (4) Guidance and training should be provided to remind all applicable Council staff of their individual responsibility, under the Council's obligation, to comply with the DPA.**
- (5) Procedures are implemented to record quality control checks, in relation to documentation and correspondence, prior to distribution**

All of the above measures should be in place and communicated to all Council staff, by no later than four months after the date of signing this undertaking.

- (6) 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.....

Signed.....

Kersten England
Chief Executive
City of York Council

Signed.....

Sally-anne Poole
Head of Enforcement
For and on behalf of the Information Commissioner