

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Somerset County Council

County Hall
Taunton
TA1 4DY

I, Sheila Wheeler, Chief Executive of Somerset County 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. Somerset 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 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 a report that a core assessment for a teenage child under the supervision of the data controller's social services department was sent to another family by mistake. The incident received some press attention.
3. Enquiries revealed that an employee had been working on two cases at the same time and had inadvertently enclosed one child's assessment with the letter to the other family. The assessment contained sensitive personal data relating to the teenager. The error was compounded when the recipient was told by an employee of the data controller simply to destroy the assessment, although it was subsequently collected from her. The incident revealed a lack of sufficient checks and controls in areas of the data controller's operations dealing with significant amounts of personal data.
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 this incident consisted of information as to the physical or mental health or condition and sexual life of the data subject. Personal data containing such information is defined as "sensitive personal data" under section 2(e) and (f) 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) All staff are aware of the data controller's policies for the storage, use and disclosure of personal data and are appropriately trained how to follow those policies;**
- (2) Compliance with all the data controller's policies on data protection is appropriately and regularly monitored;**
- (3) Procedures are implemented to record quality control checks prior to distribution in relation to documents and correspondence containing personal data, the disclosure of which could lead to distress and/or damage;**
- (4) 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
Sheila Wheeler
Chief Executive
Somerset County Council

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