

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: North Lanarkshire Council

Civic Centre
Windmillhill Street
Motherwell
ML1 1AB

I, Gavin Whitefield, Chief Executive of North Lanarkshire 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. North Lanarkshire 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 from the council in November 2010 about the theft of a home support worker's bag.
3. The bag contained the employee's visiting schedule for the following two days, which included sensitive personal data relating to six vulnerable individuals. The bag was not locked and further investigations revealed possible gaps in the guidance issued to staff about how to use, transport and dispose of such documentation.
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 relating to the physical or mental health or condition of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(e) 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) Adequate policies and procedures are in place regarding the storage, use and disposal of hard copy documentation containing personal data, particularly within the Housing and Social Work Services department;**
- (2) Staff are aware of the data controller's policies for the storage, use and disposal of personal data, and are appropriately trained how to follow those policies;**
- (3) Hard copy documentation will contain the minimum amount of personal data required for its purpose, and will be anonymised where possible;**
- (4) Physical security measures are adequate to prevent unauthorised access to personal data;**
- (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.....

Signed.....

Gavin Whitefield
Chief Executive
North Lanarkshire Council

Signed.....

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