

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Lancashire Police Authority
10 Lockside Office Park
Lockside Road
Preston
Lancashire
PR2 2YS

I, Miranda Carruthers-Watt, Chief Executive, of Lancashire Police Authority, for and on behalf of Lancashire Police Authority hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Lancashire Police Authority (the "Authority") 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 Authority 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 notified that restricted personal data, including sensitive personal data, relating to an individual's complaint was disclosed within two "agenda packs" published on the data controller's website.
3. Enquiries revealed that the breach arose from the incorrect use of a relatively new system used by the data controller to publish the agenda packs online. This suggested that the data controller may have had an inadequate understanding of the system or insufficient training in place for its users, prior to the system going live. The error was compounded when the data controller was informed of the breach but failed to take immediate action to remove the data resulting in this information being publically available on their website. The incident also revealed a lack of sufficient checks and controls in areas of the data controller's operation that deals with the

publication of minutes and agendas.

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 as to the commission or alleged commission of an offence. 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) Technical security measures are adequate to prevent unauthorised access to personal data;**
- (2) Procedures are introduced to ensure all minutes and agendas are quality assured by an appropriate member of staff prior to going live on the data controller's website;**
- (3) Compliance with these procedures is appropriately and regularly monitored;**
- (4) Personal data and sensitive personal data is not disclosed to anyone except in accordance with the Act; and, in particular, staff tasked with checking and redacting material from agendas and minutes receive appropriate additional training and support;**
- (5) The data controller shall develop a breach report policy and staff should receive appropriate additional training and support in line with the policy;**

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(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.....

Miranda Carruthers-Watt
Chief Executive
Lancashire Police Authority

Signed.....

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