

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: London Borough of Greenwich

Town Hall
Wellington Street
Woolwich
London
SE18 6PW

I, Mary Ney, Chief Executive of the London Borough of Greenwich, for and on behalf of the London Borough of Greenwich hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. London Borough of Greenwich 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 London Borough of Greenwich 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 on 22 February 2011, detailing two incidents where sensitive personal data was inadvertently disclosed. The sensitive personal data in question included medical and family history plus criminal conviction information relating to a number of individuals, including minors.
3. The first incident occurred on 30 November 2010 when two unencrypted Council reports, including sensitive personal data, were sent via email to an incorrect external email address.
4. The second incident occurred on 08 December 2010, when an unencrypted 'school fair access panel' meeting agenda, which contained sensitive personal data, was sent to an incorrect external email address.

5. Both incidents were ultimately caused by human error as the senders failed to adhere to the Council's ICT policy. This policy stated that email is not a secure or confidential medium and that confidential data must be encrypted in order to avoid access by unauthorized persons. However it is noted that at the time the incidents occurred, the policy did not explicitly state that the sending of emails containing sensitive personal data to external webmail addresses should be avoided. The Council intends to issue a revised policy which addresses this specific issue.
6. 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.
7. The Commissioner has also considered the fact that some of the data disclosed in this incident consisted of information as to the physical or mental health or condition of the data subjects and also reference to criminal convictions. Personal data containing such information is defined as 'sensitive personal data' under sections 2 (e) (g) & (h) of the Act.
8. 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) An amendment will be made to Council policy in respect of 'Internet & Email' use, so as to specifically bar the sending of emails containing sensitive personal data, for business purposes to external webmail addresses, unless no other reasonable alternative is available.**

(2) All appropriate staff will be made aware of the updated policy, and trained in it's use, by 1 November 2011;

(3) 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.

Signed:

Mary Ney
Chief Executive
London Borough of Greenwich

Dated:

Signed:

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

Dated: