

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller:                   Basingstoke and Deane Borough Council

                                          Civic Offices  
                                          London Road  
                                          Basingstoke  
                                          Hampshire  
                                          RG21 4AH

I, Tony Curtis, Chief Executive, of Basingstoke and Deane Borough Council, for and on behalf of Basingstoke and Deane Borough Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Basingstoke and Deane Borough 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 Basingstoke and Deane Borough 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") has been informed by the data controller about four data security breaches involving the disclosure of personal and sensitive personal data in close proximity. In May 2011 an individual received a letter relating to alleged benefit fraud concerning a third party. The same individual also received a list of 29 occupants residing at two supported housing properties. The list included some limited sensitive personal data.
3. Additionally in May and June 2011 there were two incidents involving the disclosure of name, address, bank and credit card details by the data controller's local tax team to incorrect customers. Similarly in June 2011 a three page gypsy liaison report containing limited sensitive personal data was made available online in un-redacted format on the data controller's planning pages for several days. The data controller admits that the un-redacted report should not have been made

available online.

4. The Commissioner is satisfied that the data controller will implement suitable remedial steps as a result of these incidents, including the provision of a compulsory data protection e-learning module for all staff.
5. 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 in these incidents consisted of "sensitive personal data" as defined by section 2 of the Act.
6. 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. Appropriate secure printing controls on all reprographic devices are introduced by February 2012;
2. All staff from all departments have completed appropriate data protection e-learning training modules by February 2012;
3. Appropriate checks and supervision are put in place to ensure that personal data is dealt with in accordance with the Act's requirements and the data controllers policies and procedures;
4. Personal data and sensitive personal data is not disclosed to anyone except in accordance with the Act;
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.....

Tony Curtis  
Chief Executive  
Basingstoke and Deane Borough Council

Signed.....

Stephen Eckersley  
Head of Enforcement  
For and on behalf of the Information Commissioner