

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: South Yorkshire Police
Snig Hill
Sheffield
S3 8LY

I, David Crompton, Chief Constable of South Yorkshire Police (the "Force"), for and on behalf of the Force, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. South Yorkshire Police 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 Force 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") received a report from the data controller on 1 March 2012, explaining that it had inadvertently included personal data in response to a Freedom of Information (FOI) request made by a journalist. The details, which related to drug offences, were contained in a spreadsheet that was emailed to the requester on 22 February 2012.
3. The data controller's investigations revealed that the member of staff who sent the reply had not noticed that the spreadsheet contained additional columns. The information within these columns related to 600 arrested individuals and included details of their offences.
4. In deciding what action to take, the Commissioner has considered that the likelihood of identification is reduced as the offenders' names were not included within the attachment. The risk of further disclosure is mitigated by formal assurances received from the recipient that the email and spreadsheet were promptly deleted. It is also noted that all members of staff tasked with responding to FOIA requests at the Force receive comprehensive training and hold significant experience.
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 compromised in this incident consisted of information as to the commission of offences. Personal data containing such information is defined as "sensitive personal data" under section 2(g) 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. All FOI responses are double checked, preferably by a manager, to ensure that no personal data is included;
2. A specific written FOI procedure is implemented within the Information Compliance Unit. This should include the requirement to use a set checking procedure and to log all actions;
3. FOI responses are converted to a PDF format wherever possible;
4. Staff are aware of the data controller's policy for the retention, storage and use of personal data and are appropriately trained how to follow that policy;
5. The data controller shall implement such other security measures as are appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated.....

Signed.....

David Crompton
Chief Constable
South Yorkshire Police

Signed.....

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