

DATA PROTECTION ACT 1998

11/1/10

UNDERTAKING

Data Controller: Lancashire County Council
County Hall
Preston
PR1 8XJ

I, Ged Fitzgerald, Chief Executive of Lancashire County 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. Lancashire County 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 alerted by a newspaper article to the fact that documents containing a considerable amount of personal data for several individuals had been found in a filing cabinet purchased second-hand by a member of the public. The documents were identifiable as belonging to the data controller's social work department, and the Commissioner accordingly contacted the data controller.
3. The records involved were duplicates of documents held in the data controller's offices and had apparently been used by a social worker during active casework duties. The personal data contained in these records was extensive and, in one instance, provided an almost complete picture of the individual's life. The Commissioner's enquiries also revealed that the data controller had no formal written procedure to ensure and document that cabinets or drawers were empty of personal data prior to disposal or removal of furniture or equipment.
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 involved in this incident consisted of information as to the ethnicity, religious beliefs, and physical or mental health or condition of the data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2 of the Act.

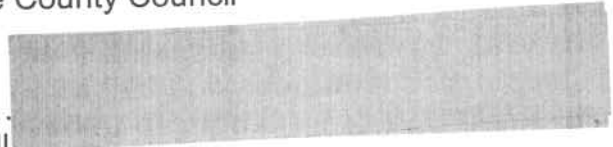
5. Following consideration of the remedial action that has been taken and proposed by the data controller, it is agreed that, in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

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 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;**
- (2) A formal written procedure is produced and implemented to ensure that any office furniture or equipment which is to be moved or disposed of in future is properly checked for personal data, and that such personal data as may be found is securely removed or deleted prior to such removal or disposal;**
- (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.**

Dated.....11 January 2010.....

Signed.. 
Ged Fitzgerald
Chief Executive
Lancashire County Council

Signed..... 
Mick Gorrill
Assistant Commissioner, Regulatory Action Division
For and on behalf of the Information Commissioner