

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Mansfield District Council

Civic Centre
Chesterfield Road South
Mansfield
Nottinghamshire
NG19 7BH

I, Ruth Marlow, Managing Director of Mansfield District 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. Mansfield District 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 provided with a report by a housing association in Mansfield to the effect that it had received, and continued to receive, correspondence from the data controller's Revenues and Benefits Service that was intended for individuals or organisations not connected with the housing association. Evidence of such correspondence, dating from August 2009 until November 2012, was provided to the Commissioner.
3. On investigation of these incidents, the data controller was able to confirm to the Commissioner the likely mechanisms by which they had occurred. In most cases, human error was a major factor and the Commissioner thus considered whether the data controller's policies, procedures and training were sufficient to minimise the risk of any recurrence.
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.
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) All employees whose role involves access to personal data shall be made aware of the data controller's policy for the storage and use of personal data and all relevant internal procedures, and shall be appropriately trained how to follow these, within 3 months of the date of this Undertaking;**
- (2) All employees whose role involves access to personal data shall undertake the data controller's e-learning training in relation to data protection within 3 months from the date of this Undertaking; and such training shall thereafter be provided at induction and shall be refreshed on a regular basis at intervals of no more than 3 years;**
- (3) Accurate records shall be maintained of employees' completion of such training as is described in (1) and (2) above;**
- (4) Undertakings (1) to (3) above shall also apply in relation to temporary or agency staff, or any other individuals who are given access to personal data held by the data controller; and in such cases the relevant training shall be completed before access to the personal data is granted;**
- (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 on publication

Signed
Ruth Marlow
Managing Director
Mansfield District Council

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