

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Bedford Borough Council  
Borough Hall  
Cauldwell Street  
Bedford  
MK42 9AP

I, Philip Simpkins, Chief Executive, of Bedford Borough Council, for and on behalf of Bedford Borough Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Bedford 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 Bedford 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') was informed by Central Bedfordshire Council that a social care record relating to one of the data controller's cases held in its social care database had been compromised by the inappropriate actions of two of its employees. The presence of this record in the database was due to a local government reorganisation in April 2009. Central Bedfordshire Council and the data controller, as the new unitary local authorities, each inherited a copy of the previous authority's social care database. As a result both new unitary authorities inherited records not relevant to their provision of social care services. Steps were already being taken to remove such records from the database of both authorities at the time of the incident.
3. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provisions of the Act are the Fifth and Seventh Data Protection Principles. These Principles are set out in Schedule 1 Part I to the Act. The Commissioner has also considered the fact that some of the data compromised in these incidents consisted of information as to the physical or mental health or condition of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(e) of the Act.
4. 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 Fifth and Seventh Data Protection Principles in Part I of Schedule 1 to the Act, and in particular that:

- (1) By 31 March 2013 the social care database referred to in this undertaking contains a completely cleansed dataset free from unnecessary legacy data originating from the previous local authority.
- (2) 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.

Signed: .....

Philip Simpkins  
Chief Executive  
Bedford Borough Council

Dated: 30 August 2012

Signed: .....

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

Dated: 10 September 2012