

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford, Bedfordshire
SG17 5TQ

I, Richard Carr, Chief Executive, of Central Bedfordshire Council, for and on behalf of Central Bedfordshire Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Central Bedfordshire 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 Central Bedfordshire 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 the data controller that an individual's sensitive personal data had been made publicly accessible without consent via a planning portal on its website. This information was also linked to the incorrect planning application. The data controller also reported the inappropriate obtaining and use of sensitive personal data held in a social care database by two employees
3. The first incident was caused by documents being given the wrong planning reference number and then being placed in an open access folder rather than a secure one. This led to the failure to redact sensitive personal data, not required for publication under planning legislation, from the documents prior to them being posted on the website. The information disclosed was date of birth details, private telephone numbers and personal medical information.
4. In the second incident the employees involved breached the data controller's policies, resulting in proportionate disciplinary action being taken by the data controller. The personal data involved was not relevant to the data controller's provision of social care services. The data was inherited as part of the local government reorganisation in April 2009, when a copy of the previous local authority's social care database was provided to the two new authorities. Steps were already being taken to remove unnecessary information from the database at the time of the incident, and the data controller is in the process of transferring to a completely new system, which will have a completely cleansed dataset.

5. 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.
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 Fifth and Seventh Data Protection Principles in Part I of Schedule 1 to the Act, and in particular that:

- (1) The procedures covering the preparation of planning application documentation for publication are followed by staff;
- (2) Staff are aware of the data controller's procedures for the preparation of planning application documentation for publication and are appropriately trained how to follow those procedures;
- (3) 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.
- (4) 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

Richard Carr
Chief Executive
Central Bedfordshire Council

Dated: 10 September 2012

Signed:

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

Dated: 18 September 2012