

Data Protection Act 1998 Undertaking follow-up

Leeds City Council ICO Reference: ENF0405840

On 20 May 2013 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Leeds City Council in relation to the undertaking it signed on 28 November 2012.

The objective of the follow-up is to provide the ICO with a level of assurance that the agreed undertaking requirements have been appropriately implemented. We believe that appropriate implementation of the undertaking requirements will mitigate the identified risks and support compliance with the Data Protection Act 1998.

The follow-up assessment consisted of a desk based review of the documentary evidence Leeds City Council supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included: Action plans in relation to addressing the undertaking requirements; copies of internal meeting notes where the action plan was discussed; copies of correspondence sent to contractors in relation to their data protection obligations; proposals in relation to the development of the 'Transforming Procurement Programme'; examples of standard contract terms and data processing agreements; guidance documents issued to staff; and contract monitoring/assessment procedure templates.

The review demonstrated that Leeds City Council has taken appropriate steps and put plans in place to address the requirements of the undertaking, however planned work needs to be completed by Leeds City Council to fully address the agreed actions.

In particular Leeds City Council confirmed that it has taken the following steps:

- The Council has set-up a dedicated Information Governance Team, supported by Information Compliance Officers and data protection practitioners, to lead on information management.

- The Council have conducted a review of existing contracts to establish that the data protection requirements are appropriately specified.
- Contractual relationships have been assessed to establish which involve the processing of personal data and whether the processing involves 'high risk' or 'sensitive' data.
- The Council's contractual partners have been contacted and reminded of their data protection obligations. Where 'high risk' data is involved contractors have been asked to confirm their compliance with information security requirements.
- The Council's standard 'terms and conditions' have been reviewed and specific indemnity clauses in relation to security breaches have been drafted.
- Contract monitoring arrangements are in the process of being strengthened and formalised. A series of templates and self-assessment questionnaires have been developed to assist in this area.
- Guidance has been produced and circulated to directorates in relation to monitoring of contracts.
- The procurement process is being strengthened and formalised to include a requirement to consult with technical experts where a project involves the creation or change to ICT systems.
- An eLearning programme on Information Governance has been developed and rolled out across the Council. At present 96% of staff have successfully completed the basic course. More detailed courses are in development for staff handling sensitive or high risk data.
- The Council have developed secure file transfer arrangements and have produced guidance for staff to assist them in determining when to utilise different technologies.

However Leeds City Council should take further action:

- The Council is in the process of developing a 'Transforming Procurement Programme' which will incorporate the contract monitoring arrangements and procurement process referenced above. The Council should continue to develop this procurement framework and monitor progress, once it is rolled out, to ensure that the data protection requirements are being met.
- Ensure that other scheduled work in relation to Information Governance training and secure file transfer arrangements is completed and embedded into the Council's procedures.

Date Issued: 24 May 2013

The matters arising in this report are only those that came to our attention during the course of the follow up and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rests with the management of Leeds City Council.

We take all reasonable care to ensure that our Undertaking follow up report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.