DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Local Government Ombudsman

                          10th Floor Millbank Tower
                          Millbank
                          London
                          SW1P 4QP

I, Heather Lees, Commission Operating Officer, of Local Government Ombudsman, for and on behalf of Local Government Ombudsman hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Local Government Ombudsman 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 Local Government Ombudsman 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 Local Government Ombudsman that a bag belonging to one of the Ombudsman's investigators was stolen from a public house. The bag contained an encrypted portable media device and hard copy papers relating to eight complaints made to the Ombudsman about planning applications. This included some sensitive personal information relating to one of the complainants.

3. The Commissioner's investigation revealed that there was a specific business requirement for the case papers to be removed from the office environment. Further a policy on the security of information whilst in transit did exist at the time of the incident. However, the Commissioner's investigation also revealed that general staff awareness of policies was lacking due to the insufficient provision of training.

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 compromised in this incident consisted of information as to the physical or mental health or condition of one of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2[(e)] of 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. **Mandatory induction and annual refresher training in the requirements of the Act shall be provided to all staff whose role involves the routine processing of personal data.**

2. **Provision of such training shall be recorded and monitored with oversight provided at a senior level against agreed KPIs to ensure completion. In addition, the data controller shall implement follow-up procedures to ensure that staff who have not attended/completed training do so as soon as is practicable.**

3. **The data controller shall ensure that staff are aware of the content and location of its policies and procedures relating to the use of personal data. A mechanism to ensure that staff are updated of any changes to these policies and procedures should also be implemented.**

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.**

ICO Ref: ENF0478228

Signed: ……………………………………………

Heather Lees
Commission Operating Officer
Local Government Ombudsman

Dated: ……………………………………………..

Signed: ……………………………………………

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

Dated: ……………………………………………..