

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Great Ormond Street Hospital for Children
NHS Foundation Trust

Great Ormond Street
London
WC1N 3JH

I, Jan Filochowski, Chief Executive of Great Ormond Street Hospital for Children NHS Foundation Trust (GOSH), for and on behalf of GOSH hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. GOSH 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 GOSH 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') has been informed of four separate incidents in the last 18 months where letters containing medical information have been sent to the wrong address. In most of these cases, the letters had been sent out by temporary or bank members of staff, who had not received any relevant data protection training. Although data protection training was in place, it was not required for temporary members of staff, and failures to attend training did not appear to be followed up or enforced in any way.
3. On investigating these matters further, the Commissioner discovered that there was a lack of either high level policies or local level procedures to ensure the accuracy of addresses, or for checking that the correct addresses had been used. In some of the cases, the letters were seen by another member of staff before being sent, but no checking was carried out.
4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of these

matters. 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 placed at risk in these incidents consisted of information as to the physical or mental health of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(d) 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) The data controller ensures that temporary or bank staff are provided with sufficient data protection training before they carry out work that involves regular contact with personal data, especially sensitive personal data;**
- (2) The data controller ensures that such training is fully monitored, and attendance is enforced where necessary;**
- (3) the data controller ensures that sufficient processes are put in place to ensure medical records and referral letters are sent to the correct address, and that practical guidance on these processes are communicated to all staff and;**
- (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:

Jan Filochowski
Chief Executive
Great Ormond Street Hospital for Children NHS Foundation Trust

Dated:

Signed:

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

Dated: