

Data Protection Act 1998 Undertaking follow-up

Luton Borough Council ICO Reference: ENF0478131 and ENF0482620

On 11 December 2013 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Luton Borough Council (LBC) in relation to the undertaking it signed in September 2013.

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 LBC supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included a management summary of actions taken or planned, policies, sample security contract clause and training and awareness materials.

The review demonstrated that LBC has taken appropriate steps and put plans in place to address the requirements of the undertaking and to mitigate the risks highlighted.

LBC confirmed that it has taken the following steps:

- NetConsent has been used to draw staff attention to LBC's data protection training. Staff confirm they have either completed or will complete (within one month) the training. For staff without access to the online learning, briefing sessions have been delivered. Awareness of data protection requirements has been raised through leaflets, posters, an intranet campaign and team briefings.
- Requirements for training in data protection to be completed before staff gain access to personal data have been developed. These are set to be implemented throughout December. With regard refresher training the IG Manager will review the training with a view to feeding into the training plan for 2014/2015.
- Policies and procedures have been drafted to cover the transportation of personal data outside the office. These are due to be implemented in February 2014.
- The monitoring of Data Protection and IT security training has been added to LBC's Statement of Governance. These quarterly

monitoring reports include figures from the HR training records as evidence of compliance.

- New starter reports are being developed in the HR system that will automatically trigger access to data protection training. A procedure is also being developed to ensure temporary workers and contractors undertake data protection training as soon as they are required to access personal data. Advice around best practice for data protection is being offered to partner organisations where employees are not directly employed by LBC. All contracts are being reviewed to ensure the security requirements of LBC are set out.

However, LBC should take further action to ensure that:

- external contractors are included in data protection training considerations and made aware of LBC's data protection requirements; and
- the policies and procedures that have been drafted cover the transportation of personal data outside the office are implemented.

Date issued: 13 December 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 Luton Borough 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.