

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Dudley Metropolitan Borough Council
The Cloughton Centre
Blowers Green Road
Dudley
West Midlands
DY2 8UZ

I, Mr John Polychronakis, Chief Executive of Dudley Metropolitan Borough Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Dudley Metropolitan Borough 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 Dudley Metropolitan Borough 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 in March 2013, that an agency social worker had left a case file containing sensitive personal data at a client's home. The file was read by a child staying at the property, who then informed other family members of its contents.
3. The documentation outlined a number of child welfare concerns raised by another family member. The source of those concerns had previously been withheld in order to preserve the confidentiality of the individual concerned.
4. The Commissioner's investigation determined that the agency social worker had not completed the Information Governance online training modules upon commencement of their employment. The data controller was therefore unable to demonstrate that mandatory data protection training was fully implemented.
5. The Commissioner has considered the data controller's compliance with the provisions of the Act in 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 involved consisted of information relating to the health of the data subjects. Such information is considered 'sensitive personal data' as defined in 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 Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

- (1) Both permanent members of staff and agency workers use consistent standards in relation to handling personal data, and all staff are made aware promptly of any changes to these standards;**
- (2) The completion of mandatory induction data protection training, in relation to both the requirements of the Act and the data controller's policies concerning the use of personal data, is enforced for both permanent and agency staff. Completion of such training shall be recorded and monitored to ensure compliance;**
- (3) Guidance regarding taking personal information out of the office should be available to all social workers conducting home visits. Procedures should cover the removal, transport, security and safe return of material containing personal data. This may include the utilisation of anonymisation techniques where appropriate;**
- (4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**



Signed
Mr John Polychronakis, Chief Executive
Dudley Metropolitan Borough Council

Dated ...11 April 2014.....



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

Dated *11th APRIL 2014.*