

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Cyngor Gwynedd

Council Offices  
Shirehall Street  
Caernarfon  
Gwynedd  
LL55 1SH

I, Dilwyn Williams, Chief Executive, of Cyngor Gwynedd for and on behalf of Cyngor Gwynedd hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Cyngor Gwynedd 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 Cyngor Gwynedd 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 provided with a report from the data controller that a social care record relating to one individual had been sent by post and delivered to the wrong address. The error occurred due to a handwritten address and an ambiguity with the handwritten house number, and resulted in the delivery of the record to the incorrect house.
3. Subsequently the data controller further advised by way of a further breach report that a social services file containing the personal data of one service user had been noted as missing. The file had gone missing whilst being transported between two offices for the purposes of a meeting.
4. Following the Commissioner's enquiries it was ascertained that both incidents had occurred within the same department, and that neither of the employees involved in the incidents had undertaken the council's mandatory data protection training. It was also noted that whilst the council had overarching data protection policies in place, these did not

provide specific guidance for employees to follow when transporting files or preparing correspondence for sending. Since the incident, the data controller has undertaken to produce detailed guidance and policies.

5. 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 the data subjects. Personal data containing such information is defined as 'sensitive personal data' under 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) The data controller shall monitor and enforce mandatory data protection training, and provide and monitor refresher training;**
- (2) Staff are regularly reminded of the data controller's policies for the transportation, exchange and use of personal data and are appropriately trained how to follow that policy;**
- (3) 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: .....

Dilwyn Williams  
Chief Executive  
Cyngor Gwynedd

Dated: .....

Signed: .....

Anne Jones  
Assistant Commissioner for Wales  
For and on behalf of the Information Commissioner

Dated: .....