

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Cambridgeshire Community Services NHS Trust

Cambridgeshire Community Services NHS Trust
Unit 3 The Meadow
Meadow Lane
St. Ives
Cambridgeshire
PE27 4LG

I, Matthew Winn, Chief Executive, of Cambridgeshire Community Services NHS Trust, for and on behalf of Cambridgeshire Community Services NHS Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Cambridgeshire Community Services NHS Trust 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 Cambridgeshire Community Services NHS Trust 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 the data controller of several incidents of losses and theft of personal data. Whilst none of these incidents appeared likely to cause substantial damage or distress to the data subjects affected it was discovered as part of the investigation that the data controller was only requiring their employees to refresh Information Governance (IG) training every two years. This is in contradiction to requirement 12-112 of the IG Toolkit which mandates all organisations delivering care or supporting the delivery of care to citizens to provide annual IG training for employees. This decision was made in November 2013 after requirement 12-112 had come into effect.
3. The data controller has since reversed its decision to permit

IG training to be refreshed every two years and IG training is now required on an annual basis in line with requirement 12-112. However, as a result of the decision training compliance at the time of the incidents was poor with only 49% of employees compliant with training requirements in June 2014. Whilst training compliance has improved since that time the data controller has not been able to meet its previous target of achieving full compliance by March 2015.

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 lost/stolen in these incidents 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.
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 shall ensure that 95% of employees are compliant with their IG training requirements by 31 August 2015**
- (2) The data controller shall review its current training provision to ensure that this complies with *all* relevant IG Toolkit requirements by 30 September 2015.**
- (3) The data controller shall review their procedures for following up mandatory training completion so that effective action is taken against staff who are not compliant with training requirements by 30 September 2015.**

(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:

Matthew Winn
Chief Executive
Cambridgeshire Community Services NHS Trust

Dated:

Signed:

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

Dated: