

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Rochdale Borough Council

Number One Riverside
Smith Street
Rochdale
OL16 9NP

I, Steve Rumbelow , Chief Executive, of Rochdale Borough Council, for and on behalf of Rochdale Borough Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Rochdale 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 Rochdale 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 by the data controller on 16 January 2014 of the theft and subsequent discovery of social care papers in a public place.
3. Paper social care files held in a cotton bag were stolen from the boot of a social worker's car between the evening of 5 January and the morning of 6 January 2014.

On the morning of 7 January 2014 the data controller was contacted by a member of the public who said they had found the social care files. The data controller promptly collected the papers and visited the site where they had been found to ensure that all the papers had been collected. This site was a small grassed area close to suburban housing.

The papers contained personal data relating to 86 individuals. In respect of 29 of these individuals, sensitive personal data was also present. Some of the information was very sensitive in nature relating to health, mental health and the commission of offences including sexual offences.

Therefore the incident had the potential to cause significant distress to some of the affected individuals.

The social worker involved had legitimate access to the papers and had taken them out of the office to prepare for a court case. However, the social worker had breached Council policy by taking excessive information out of the office and by unnecessarily leaving it in the boot of their car.

At the time of the incident there was no formal data protection training on induction for temporary members of staff. It was mandatory for all of the data controller's staff to complete Data Protection and 'Protecting Information' training every two years. However the social worker involved in this incident had worked for the data controller for 18 months and despite being a long term temporary member of staff they had not received any formal data protection training by the time of the incident.

Prior to the incident all staff, including temporary, were advised of the data controller's policies and procedures as part of their induction.

The incident appears to have been contained and the Data Controller is taking action to address the issue of mandatory data protection training for temporary staff. This includes enforcing induction training prior to any staff members being allowed access to a network account and instructing all current temporary staff to complete mandatory Information Governance training.

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 compromised in this incident consisted of information as to the physical or mental health or condition of the data subjects and the commission of offences. Personal data containing such information is defined as 'sensitive personal data' under section 2(e)(g)(h) 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. All staff who are to handle personal data as part of their role receive data protection training promptly on joining the Council; completion of this training should be monitored to support required take up**
- 2. Refresher training should be given every two years in accordance with the Council's policy; completion of refresher training should be monitored to support take up.**
- 3. Agency, temporary and other non-permanent staff should receive training in line with the above on an ongoing basis; including monitoring of take up.**
- 4. Other security measures are implemented as are appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Signed:

Steve Rumbelow Chief Executive
Rochdale Borough Council

Dated:

Signed:

Stephen Eckersley
Head of Enforcement

ICO Ref: **ENF0527447**



For and on behalf of the Information Commissioner

Dated: