

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Cardiff City Council

County Hall
Cardiff
CF10 4UW

I, Ms Christine Salter, Acting Chief Executive Officer, of Cardiff City Council, for and on behalf of Cardiff City Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Cardiff City 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 Cardiff City 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') has considered a request for assessment made by an individual under section 42 of the Act. The request for assessment concerned the failure by the data controller to respond within the prescribed period of 40 days to a subject access request made in compliance with the requirements of section 7 of the Act by the individual on 21 July 2011. This complaint led the Commissioner to look at the data controller's compliance in the round. The Commissioner found that there were and continue to be systemic failures to meet the requirements of section 7 of the Act.
3. 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 Sixth Data Protection Principle.
4. This Principle is set out in Schedule 1 Part I to the Act. The Sixth Data Protection Principle provides that:

“Personal data shall be processed in accordance with the rights of data subjects under the Act.”

Paragraph 8(a) of Part II of Schedule 1 to the Act further provides that:

“A person is to be regarded as contravening the sixth principle if, but only if, he contravenes [amongst other things] section 7 by failing to supply information in accordance with that section.”

5. Section 7 of the Act provides, amongst other things, as follows:

Subsection (1)

“Subject to the following provisions of this section and to sections 8 and 9, an individual is entitled –

- (a) to be informed by any data controller whether personal data of which that individual is the data subject are being processed by or on behalf of that data controller,
- (b) if that is the case, to be given by the data controller a description of –
 - (i) the personal data of which that individual is the data subject,
 - (ii) the purposes for which they are being or are to be processed, and
 - (iii) the recipients or classes of recipients to whom they are or may be disclosed,
- (c) to have communicated to him in an intelligible form –
 - (i) the information constituting any personal data of which that individual is the data subject, and
 - (ii) any information available to the data controller as to the source of those data...”

6. Following consideration of the performance of 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 Sixth Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

- (1) policies and procedures for dealing with subject access requests are clearly defined and all staff are made aware of their content and location. Such policies should be version controlled and have designated owners and review periods;**
- (2) all staff involved directly in the processing of subject access requests shall receive appropriate specialist training to support this role and records of this training should be maintained;**
- (3) designated staff will keep records of subject access requests received and responded to and use these records to monitor and report on performance and compliance to senior management;**
- (4) appropriate checks and supervision are put in place to ensure that third-party data is dealt with in accordance with the Act's requirements and the data controller's policies and procedures; and**
- (5) improvements are made to the systems and measures governing the storage of paper records to ensure that subject access requests are responded to in an appropriate and timely manner.**

Signed:

Ms Christine Salter
Acting Chief Executive Officer
Cardiff City Council

Dated:

Signed:

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

Dated: