

Data Protection Act 1998 (DPA) Undertaking follow-up

The Moray Council ICO Reference: ENF0503881

On 16 July 2014, the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by The Moray Council (TMC) in relation to the undertaking it signed on 22 April 2014.

The objective of the follow-up is to provide the ICO with a level of assurance that the agreed undertaking requirements have been appropriately implemented. We believe that appropriate implementation of the undertaking requirements will mitigate the identified risks and support compliance with the DPA.

The follow-up assessment consisted of a desk based review of the documentary evidence which TMC supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included guidance as to keeping personal information secure when taking it out of the workplace, a training analysis flowchart and a team talk feedback form.

The review demonstrated that TMC has taken appropriate steps and put plans in place to address and mitigate the risks which were highlighted in the following two requirements of the undertaking:

- **(1) the data controller ensures that it implements a policy or procedure for ensuring the security of personal data taken out of the office, and that all staff are made aware of the requirements of that policy or procedure; and**
- **(3) the data controller reviews the content of its data protection training to ensure that it adequately covers the potential risks presented by the loss of personal data;**

by:

- developing, introducing and raising awareness of guidance as to keeping personal information secure when taking it out of the workplace, which has been issued to managers and trade unions and placed on the intranet; and
- reviewing the content of data protection training to ensure that it covers the risks faced, including taking information out of the workplace.

The review further demonstrated that TMC has taken appropriate steps and put plans in place to address the final two requirements of the undertaking:

- **(2) the data controller ensures that its data protection training is mandatory for all staff handling personal data, and that a system for monitoring completion of the training is properly implemented across the council; and**
- **(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.**

by:

- commencing the rollout of classroom and e-learning training for all several thousand employees over the next 12 months or so, with 50 attendees to date, and planning to track attendance at both types of training via a new learning management system; and
- raising data protection and the circumstances giving rise to the undertaking with the Corporate and Senior Management Teams and Personnel Forum; planning a team talk for all managers to discuss with staff in August 2014 in regard to data protection and general security measures; and preparing a first annual information assurance review to identify appropriate actions such as ensuring that data protection is reflected in the Records Manager post.

However, TMC needs to complete further work to fully address these final two requirements of the undertaking, namely ensuring that:

- the training programme is rolled out to the remainder of employees in the long term, that failure to attend or complete training is followed up and that there is a programme of periodic refresher training subsequent to the initial rollout (for example, every 1-2 years); and

- data protection is routinely discussed at operational levels (for example via inclusion as a standing agenda item on team and forum meetings) and that the information assurance reviews continue on an annual basis as intended to proactively identify and address areas of data protection concern.

Date Issued: 16 July 2014.

The matters arising in this report are only those that came to our attention during the course of the follow up and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place, rests with the management of TMC.

We take all reasonable care to ensure that our Undertaking follow up report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.