



Information Commissioner's Office

Upholding information rights

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Data Protection Act 1998 Undertaking follow-up

Rochdale Borough Council ICO Reference: ENF0527447

On 14 January 2016, the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Rochdale Borough Council (RBC) in relation to the undertaking it signed on 6 July 2015.

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 Data Protection Act 1998 (DPA).

The follow-up assessment consisted of a desk based review of the documentary evidence which RBC supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included guidance on the secure handling and transit of manual records, intranet screenshots, mandatory training completion statistics and a template induction email.

The review demonstrated that RBC has taken appropriate steps and put plans in place to address the first requirement of the undertaking:

- **(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;**

by:

- ensuring that it is mandatory for all new starters to complete the 'Data Protection at Work' and 'Responsible for Information or Protecting Information' e-learning modules within 15 working days (which RBC intend to extend to 20); identifying, via manually generated reports, new starters who fail to adhere to this deadline and disabling network access in respect of these individuals; ensuring that line managers are able to view the e-learning

completion status in respect of the staff that they oversee; providing reports as to the e-learning completion status for each employee (which RBC intend to change to exception reports citing only employees who have failed to complete the initial or refresher training) to the Corporate Directors every 4-6 weeks unless there is no significant change;

However, RBC needs to complete further work to fully address this first requirement of the undertaking, namely:

- accounting for the nature of the new starter's role when prescribing the length of the deadline for them to complete the information governance training, for example a shorter deadline may be more appropriate for an employee starting a role which necessitates substantial and regular access to personal data; ensuring that reports and statistics as to completion of the mandatory information governance training incorporate and differentiate between completion of the e-learning modules and the classroom equivalent, as it was reported that 93% of all staff had completed the training as of December 2015, but that this did not include the classroom equivalent; and ensuring that all staff do complete the e-learning or classroom equivalent in practice.

The review further demonstrated that RBC has taken appropriate steps and put plans in place to address and mitigate the risks which were highlighted in the final three requirements of the undertaking:

- **(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.**

by:

- ensuring that all staff are required to complete refresher training every 2 years from the date they each have last completed the mandatory information governance training - this date may vary from initial completion on their corporate induction to an additional

completion as a precondition of the provision of a USB device or secure email account;

- ensuring that information governance training is mandatory for all new starters, including agency staff (regardless of the length of their contract terms); and ensuring that all training completion reports include and do not distinguish between RBC and agency staff; and
- subsequent to the self-reported breach which led to and prior to the formal issue of the undertaking, updating guidance during December 2014 as to keeping personal information secure when taking it out of the workplace and raising awareness of this guidance on the staff intranet during April 2015,; and raising awareness of information governance issues via emails and the staff intranet.

Date Issued: 14 January 2016.

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 RBC.

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.