

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Chief Constable of Dyfed Powys Police
Dyfed Powys Police Headquarters
PO Box 99
Llangunnor
Carmarthen
SA31 2PF

I, Mark Collins, Chief Constable of Dyfed Powys Police hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. The Chief Constable of Dyfed Powys Police 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 Dyfed Powys Police 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 of several data protection incidents by the data controller over an 18 month period. The number of incidents reported is of concern especially as they are repeated in nature.
3. The incidents included a disclosure in August 2016 involving sensitive personal data passed to an individual's General Practitioner (GP) by the data controller's Mental Health Team. The information was sent by open fax message to the GP's surgery, and whilst it arrived at its intended destination, appropriate consent was not obtained from the data subject. At the time of the incident the officer had not completed any data protection training. The Commissioner's enquiries into this incident revealed that as at 17 March 2017, 1,204 officers out of a total of 2,258 had not completed any data protection training and that there was no current programme of refresher training in place.
4. Another incident reported to the Commissioner and occurring in January 2017 involved an officer passing personal data

relating to a Councillor and a neighbour by email to the Clerk of a local Council. There was no information sharing agreement in place between the data controller and the council; authorisation from a senior colleague was not sought prior to sending the email; and the officer had received no data protection training.

5. A third incident investigated by the Commissioner occurred prior to November 2015 but was not brought to the attention of the data controller and subsequently the Commissioner, until March 2017. The incident involved a photograph taken using a mobile telephone. The photograph showed an officer's working environment, including a computer screen on which data was displayed. The picture was forwarded to a family member. By sending the photograph the officer breached the data controller's Information Security Policy and the College of Policing Code of Ethics. The officer had received no data protection training.
6. The Commissioner's investigation into these incidents has determined repeated failures with regard to the training of staff.
7. 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 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 (g) and (h) of the Act.
8. 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 her 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) A force-wide programme of data protection training adequate to equip officers with the necessary knowledge to comply both with the Act and with the data controller's policies concerning the processing of personal data be implemented without further delay.**
- (2) A force-wide programme of refresher training be introduced to ensure ongoing compliance with the Act.**
- (3) A programme of recording and monitoring of training undertaken be implemented with prompt remedial action to address non-compliance being taken where necessary.**
- (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.**
- (5) The data controller shall confirm its plans in writing to the Commissioner to demonstrate its commitment to these steps within one month of the date of agreement to this undertaking.**

Signed:

Mark Collins
Chief Constable
Dyfed Powys Police

Dated:

Signed:

Ken Macdonald
Head of ICO Regions
For and on behalf of the Information Commissioner

Dated: