

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Jephson Homes Housing Association Ltd

Jephson House  
1 Stoneleigh Road  
Blackdown  
Leamington Spa  
Warwickshire  
CV32 6RE

I, Mr Bob Strachan, Chief Executive, of Jephson Homes Housing Association Ltd, for and on behalf of Jephson Homes Housing Association Ltd hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Jephson Homes Housing Association Ltd 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 Jephson Homes Housing Association Ltd 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 provided with a report on 11 November 2013 which stated that when providing documents to an individual as part of a litigation process several documents containing third party personal data relating to other data subjects were disclosed in error.
3. Following investigation it was established that the documents necessary for disclosure had been reviewed, redacted and collated from three files and were placed on a desk in order to be copied. A different member of staff was subsequently tasked with photocopying the redacted documents. In error the documents from the files were photocopied and disclosed to the individual in full.

4. The investigation identified that whilst checks had been initially undertaken in order to collate the documents no subsequent checks were undertaken prior to providing to the recipient to ensure the correct documents were disclosed. It was also identified that whilst data protection training was provided to staff at induction, refresher training was not in place at the time of the incident.
5. 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 a limited amount 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 alleged commission of offences. Personal data containing such information is defined as 'sensitive personal data' under section 2(e) of the Act.
6. 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) The data controller shall provide practical guidance to staff about steps they should take when preparing information for disclosure, by no later than 30 November 2014;**
- (2) A process for checking and recording documentation prior to disclosure shall be implemented and communicated to staff, by no later than 30 November 2014;**

**(3) The data controller shall introduce refresher data protection training which shall be provided to all staff at regular intervals, with effect from 30 November 2014;**

**(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.**

Signed: .....

Mr Bob Strachan  
Chief Executive  
Jephson Homes Housing Association Ltd

Dated: .....

Signed: .....

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

Dated: .....