

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Dumfries and Galloway Council

Council Offices  
English Street  
Dumfries  
DG1 2DD

I, Gavin Stevenson, Chief Executive, of Dumfries and Galloway Council, for and on behalf of Dumfries and Galloway Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Dumfries and Galloway 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 Dumfries and Galloway 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") was informed by the data controller during June 2011 that personal data concerning 887 current and former employees had been accidentally published online in response to a Freedom of Information (Scotland) Act request. The information was stored on a spreadsheet that included employee name, date of birth, salary and period of service.
3. This information was available online between: 23 March – 1 June 2011. The data controller became aware of this error when it was reported to them by a trade union who had been alerted by a council employee. Although this personal data has been removed from the web a number of complaints have been received by the Commissioner concerning the incident.
4. The Commissioner is satisfied that the data controller has committed to taking appropriate remedial measures, including commissioning an external audit of its information request

management systems.

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.
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. Findings from the externally commissioned audit of the data controller's information request management systems are used to address procedural weaknesses by January 2012;
2. Appropriate verification and checks are introduced to ensure that personal data is dealt with in accordance with the Act's requirements and the data controller's policies and procedures;
3. Personal data is not disclosed to anyone except in accordance with the Act;
4. The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated.....

Signed.....

Gavin Stevenson  
Chief Executive  
Dumfries and Galloway Council

ICO Ref: **ENF0395169**



Signed.....

Sally Anne Poole  
Head of Enforcement  
For and on behalf of the Information Commissioner