

# **DATA PROTECTION ACT 1998**

## **UNDERTAKING**

Data Controller:                      Wolverhampton City Council

  Civic Centre  
  St Peter's Square  
  Wolverhampton  
  WV1 1SH

I, Simon Warren, Chief Executive of Wolverhampton City Council, for and on behalf of Wolverhampton City Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Wolverhampton City 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 Wolverhampton City 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") received a report from local press indicating that personal data belonging to the data controller had been dumped on a local industrial estate. The personal data had been inappropriately disposed of in a skip, the skip was stolen, and the information fly-tipped by the thieves. The personal data consisted of names, dates of birth, bank details, employment records and some medical information.
3. The data controller confirms that this personal data should not have been disposed of in a skip. The council has a written contract in place with a waste management company for the secure destruction of confidential personal data. However on this occasion council employees failed to recognise the confidential nature of the information. It has been noted that the council has introduced a confidential waste management policy as a result of this incident.
4. 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 involved in this incident consisted of information relating 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(e) of the Act.

5. 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) Staff are made aware of the data controller's policy on data protection and are appropriately trained how to follow that policy;**
- (2) Staff are made aware of the data controller's policy on confidential waste management and are appropriately trained how to follow that policy;**
- (3) Compliance with the policies referenced above will be appropriately and regularly monitored;**
- (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 .....  
Simon Warren  
Chief Executive  
Wolverhampton City Council

Signed .....  
Mick Gorrill  
Head of Enforcement  
For and on behalf of the Information Commissioner