

DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

REPRIMAND

The Information Commissioner (the Commissioner) issues a reprimand to Achieving for Children (AfC) in accordance with Article 58(2)(b) of the UK General Data Protection Regulation (UK GDPR) in respect of certain infringements of the UK GDPR.

The reprimand

The Commissioner has decided to issue a reprimand to AfC in respect of the following infringements of the UK GDPR:

- Article 5 (1)(f) states that personal data shall be: 'Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures'

The reasons for the Commissioner's findings are set out below.

This investigation has found that AfC inappropriately disclosed personal data, special category data and criminal conviction data in a report.

Due to communication failure, the manager concerned did not realise on two occasions that the assessment was being sent to both the birth father and the step-father and birth mother. As a result criminal conviction data, children's data, sex life data and health data, which should have been removed or redacted, was disclosed in error.

AfC did not have the required organisational measures in place to ensure that an incident such as this would not occur. The social worker responsible for this incident was not trained in completing redactions and neither was the manager who reviewed the report. This was because there was no redaction training offered to these members of staff at the time of the incident.

AfC have explained that as it was the social workers first time completing redactions that the manager should have reviewed the redactions that

were completed by the social worker. However, there was no policy in place at AfC at the time of the incident that explained that the manager was responsible for the review of the redactions or how the social worker should approach the manager.

A theme throughout the investigation, and from the evidence provided by AfC, was that AfC had expectations for staff to complete work in a certain way. However, when asked for evidence of policies or guidance documents that inform employees of these expectations AfC have stated that there are no such documents.

Mitigating factors

In the course of our investigation we have noted that AfC have redaction trained business support officers and AfC state that they “are usually assigned the task of redacting documents for social workers in our organisation”. However, there was no business support officers involved in this incident and there was no policy in place at AfC that states business support officers should complete social workers redactions.

Remedial steps taken by AfC

The Commissioner has also considered and welcomes the remedial steps taken by AfC in the light of this incident. In particular the ongoing work to ensure that social workers are trained on redactions and other policies and guidance relevant to this incident.

Decision to issue a reprimand

Taking into account all the circumstances of this case, including the mitigating factors and remedial steps, the Commissioner has decided to issue a reprimand to AfC in relation to the infringements of Article 5 (1) (F), of the UK GDPR set out above.

Further Action Recommended

The Commissioner recommends that AfC should take certain steps to ensure its compliance with UK GDPR. With particular reference to Article 5 (1)(f) of the UK GDPR, the following steps are recommended:

1. In order to ensure compliance, please ensure that every employee of AfC who is expected to complete redactions has completed redaction training.

2. In order to ensure compliance, please ensure that the expectations of AfC senior leadership are documented in policy documents or guidance. Ensure that members of staff are routinely made aware of the policy and guidance documents and that they are aware of the expectations of senior leadership.
 3. In order to ensure compliance, please continue to provide annual data protection and information governance training to all staff
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