

# **DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION**

## **REPRIMAND**

**TO: Mayor's Office for Policing and Crime (MOPAC)**

**OF: 169 Union Street, Southwark, London, SE1 0LL.**

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

### **The proposed reprimand**

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

- Article 5 (1)(F) – 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 ('integrity and confidentiality').
- Article 32 (1) – "...the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk".

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

1.4 MOPAC is a functional body of the Greater London Authority (GLA) responsible for oversight of the Metropolitan Police. From the evidence provided, the Commissioner is satisfied that GLA is a data processor, acting on the instructions of MOPAC and carrying out data processing on its behalf. GLA hosts MOPAC's pages and webforms on the London.gov.uk website. It is MOPAC that determines the purpose and means of the processing. It is therefore appropriate to issue the notice against the controller, MOPAC.

1.5 Within the London.gov.uk website, there was a webform to contact the London Victims' Commissioner as well as other webforms. Between 11-14 November 2022, a member of GLA intended to give four members of MOPAC permission to the webforms. However, instead of granting permission to the four members of MOPAC, they made two web forms public. On 23 February 2023 MOPAC were made aware by a member of the public that it was possible for users to click a button that would enable users to access information on every query that had been submitted via the form. 394 people were later notified of the breach due to the nature of the personal data that was made publicly accessible on the forms.

1.6 MOPAC have been unable to evidence that there was any specific training to the members of GLA staff around granting permissions on webforms. Further to this, there was no policy in place at the time of the incident on how permissions should be granted at either MOPAC or GLA.

#### Mitigating factors

1.7 In the course of our investigation we have noted that MOPAC have acted professionally to ensure that the impacts of this breach have been mitigated and that the data subjects were informed.

#### Remedial steps taken by MOPAC

1.8 The Commissioner has also considered and welcomes the remedial steps taken by MOPAC in the light of this incident. In particular, the awareness and training that has been delivered around the permission forms to members of GLA and MOPAC since the incident.

#### Provisional decision to issue a reprimand

1.9 Taking into account all the circumstances of this case, including the mitigating factors and remedial steps, the Commissioner has provisionally decided to issue a reprimand to MOPAC in relation to the alleged infringements of Article 5 (1)(F) and Article 32 of the UK GDPR set out above.

### **Further Action Recommended**

1.10 The Commissioner has set out below certain recommendations which may assist MOPAC in rectifying the infringements outlined in this reprimand and ensuring MOPAC and its processors' future compliance with the UK GDPR. Please note that these recommendations do not form part of the reprimand and are not legally binding directions. As such, any decision by MOPAC to follow these recommendations is voluntary and a commercial decision for MOPAC. For the avoidance of doubt, MOPAC and any of its processors are required to comply with its obligations under the law.

1.11 If in the future the ICO has grounds to suspect that MOPAC or any of its processors are not complying with data protection law, any failure by MOPAC and its processors to rectify the infringements set out in this reprimand (which could be done by following the Commissioner's recommendations or taking alternative appropriate steps) may be taken into account as an aggravating factor in deciding whether to take enforcement action - see page 11 of the Regulatory Action Policy [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk) and Article 83(2)(i) of the UK GDPR.

1.12 The Commissioner recommends that MOPAC should consider taking certain steps to improve its compliance with UK GDPR. With particular reference to article 5 (1)(F) of the UK GDPR, the following steps are recommended:

1. Ensure that online forms and other public facing documentation/information is routinely audited to ensure that it is working as expected and in line with data protection legislation.
2. Continue to ensure that members of MOPAC and its processors are regularly completing data protection and information governance training.