

**Report to the Audit & Governance
Committee**



**Epping Forest
District Council**

Report reference: AGC-024-2009/10
Date of meeting: 22 March 2010

Portfolio: Leader

Subject: Data Protection Act Breach

Responsible Officer: Ian Willett (01992 564180)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendation:

To note the decision of the Information Commissioner concerning a Data Protection Act breach in relation to the Licensing Sub-Committee meeting on 3 December 2010, namely:

- (a) a finding that the breach resulted from human error;
- (b) a finding that a significant amount of personal data (including sensitive personal data, including motoring convictions) was made publicly available for a time, in effort;
- (c) that the remedial measures taken by the Council appear to be satisfactory;
- (d) that the expectation of the Commissioner was that more reference would have been made by the Council to the risk to the individuals concerned of identity fraud and steps taken to advise them of the need to monitor closely any suspicious activities as a result, accepting that the officer concerned may have felt that the individuals were already aware of this;
- (e) that no regulatory action is required on this occasion in the light of the action taken by the Council; and
- (f) that the case will be closed but kept on file and will be taken into account in the event of any future breach by the Council.

Executive Summary:

This report sets out the decision of the Information Commissioner on the Data Protection Act breach where personal details of five applicants for taxi licences were publicly available in error as part of the agenda for the Licensing Sub-Committee on 3 December 2009.

Reasons for Decision:

To inform the Committee of the Information Commissioner's decision upon the case in question.

Other Options for Action:

None.

Report:

1. At the last meeting, a Data Protection Act breach was reported as a result of an error in publishing the Licensing Sub-Committee meeting on 3 December 2010. This breach had been reported to the Information Commissioner and the finding of the latter was awaited at the time of the last meeting of this Committee.

2. The Committee is asked to note the finding of the Commissioner which is summarised at the commencement of this report.

Resource Implications:

None. Training measures are being funded from existing budgets.

Legal and Governance Implications:

Data Protection Acts. The human rights of affected individuals will be protected by remedial measures put in hand.

Safer, Cleaner and Greener Implications:

None.

Consultation Undertaken:

Information Commissioner
Assistant Head of Finance and ICT (and nominated Data Protection Act Officer)

Background Papers:

E mail dated 25 February 2010 from Information Commissioner

Impact Assessments:Risk Management

Data Protection Act breaches have been recognised as a higher level of risk as a result of this case.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?

N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A