

AGENDA ITEM:

SUMMARY



Report for:	Audit Committee
Date of meeting:	19 September 2012
PART:	1
If Part II, reason:	

Title of report:	ADDENDUM TO THE INFORMATION SECURITY UPDATE REPORT
Contact:	Author/Responsible Officer: Steven Baker, Assistant Director (Legal, Democratic & Regulatory)
Purpose of report:	To inform members of a breach of the Data Protection Act 1998.
Recommendations	That Audit Committee note the report and request a follow up report after the conclusion of the internal investigation.
Corporate objectives:	
Implications:	<u>Financial</u>
'Value For Money Implications'	The Information Commissioner has the power to impose a fine of up to £500,000 on businesses and local authorities who are found to have committed a major breach of the Data Protection Act. <u>Value for Money</u> None arising from this report
Health And Safety Implications	

BACKGROUND REPORT

1. The purpose of this report is to notify Members of a breach of the Data Protection Act 1998. On Sunday 2nd September 2012 a member of the public contacted the police to report that they had found a folder containing confidential personal information in a waste paper bin outside the Grovehill Sports Pavilion, Washington Avenue, Hemel Hempstead ('the Pavilion') situated at the Margaret Lloyd Playing Fields. After an initial inquiry by Council officers an outline of the facts was ascertained. Set out in the table below are the facts as they are known at the present time.

DATE	TIME	EVENT
Friday 31/8/12		A Council staff member and contractor met at the Pavilion to clear up documents and leaflets which had been removed from the store room following a water leak. This was being done in readiness for the start of the football season. It appears that the documents may have been temporarily stored in a corridor outside the store room.
Saturday 1/9/12		Mrs Jeanette Redding telephoned the Council and left a message on the Customer Services Unit answerphone. The call was received at 19.57 pm. Mrs Redding rang to report that she had seen confidential waste left in or around waste paper bins in Grovehill. Mrs Redding telephoned the Council again on 12 th September.
Sunday 2/9/12	8.22am	The Police received a 999 call from a member of the public stating that he had found a folder full of job application forms in a waste paper bin outside and adjacent to a footpath near the Pavilion. Apparently, the member of the public had noticed a piece of paper lying outside the bin on the grass, and was putting it back into the waste bin, when he noticed a brown folder filled with application forms.
	8.45am	PC Lazarus Clark attended the site and collected the documents to take back to the police station. PC Clarke observed there were two bins on site, and checked both for contents. The information was located in only one bin.
Tuesday 4/9/12	11.19am	Matt Rawdon (Council's Human Resources Team Leader) received an email from PC Clarke informing him that a member of the public had found personal papers in a waste bin and the documents were now in the custody of the police. Tom Jennings (Human Resources apprentice) immediately called PC Clark but he was unavailable.
Wednesday 5/9/12		Tom Jennings visited Hemel Hempstead Police Station and asked for the information. This was provided to him and he brought it back to the Civic Centre.

Thursday
6/9/12

Matt Rawdon met with the managers concerned. One of the managers called the member of staff who had attended the Pavilion on Friday 31st August to ask what documents she had seen when she was at the Pavilion. The member of staff stated she had not seen the documents collected by the police on Sunday 2nd September.

2 The Grovehill Sports Pavilion

- 2.1 This Pavilion is situated at the Margaret Lloyd Playing Fields in Grovehill. To access it you have to walk/drive down an unadopted road off Washington Avenue. The Pavilion itself cannot be seen from the highway.
- 2.2 The building itself is stand alone and has 9 entry points. These entry points are through secure metal doors which are double locked. The windows are bricked in.
- 2.3 There are 14 changing rooms, 14 shower areas, 7 WCs and one secure store room. This building is used for sports purposes and is frequented, in season, by football, rugby and baseball teams. Certain Council employees have access to this area as well as a cleaner hired by the football club.
- 2.4 The store room can be accessed both internally and externally. It transpires that various documents and files belonging to the Council and to Sportspace (the trading name for the Dacorum Sports Trust) were being stored there including personnel files.

3. The contents of the retrieved storage file

The contents have been examined and are a mixture of personal, sensitive personal and sensitive financial information in relation to 46 former Council employees who had been employed on a casual basis on the Council's Playscheme . The records date from 2002 – 2006. The documents include the following information;

- Completed job application forms
- Enhanced CRB Checks and disclosures
- Medical Information and declarations
- Copies of drivers' licences
- N.I Card Numbers
- Bank details
- Copies of passports
- CVs
- Equal Opportunities forms
- Birth certificates
- Marriage certificates
- References
- Next of kin and emergency contact details
- P45s
- Ofsted information

4. Actions being taken by the Council

- 4.1 An internal investigation is being carried out by a team comprising of officers from Legal Governance, Corporate Anti-Fraud and Human Resources.
- 4.2 The scope of the investigation at this stage is as follows:
- a. To carry out a full inspection into the incident itself and establish exactly how the breach occurred. This will involve trying to establish the full chain of events to explain how the personal information came to be stored in the sports pavilion in the first place and how it ended up in the waste paper bin. This will include interviewing all staff who were involved, either directly or indirectly, including any persons not employees of the Council.
 - b. Establish what steps had been taken before the incident to prevent this type of breach reoccurring. In particular, establishing what training the relevant staff had undertaken in data protection and their awareness of the importance of data protection.
 - c. Establish what lessons can be learned from this incident and whether the Council's policies and procedures on data protection and its training arrangements need to be amended as a result. The policies have been sign posted to all staff and all staff will have to give a signed declaration that they have read and understand the content of the policies.
- 4.3 The Information Security Team Leader is compiling a definitive list of all Council premises external to the Civic Centre. This will be used to undertake risk assessments of the security of the sites and the type of information stored. The risk assessment will also include internal storage at the Civic Centre.
- 4.4 The Information Security Team Leader has requested that all staff check and declare any personnel records they hold and either destroy them securely in accordance with the retention guidelines or send securely to Human Resources for retention.
- 4.5 The Information Security Team Leader has also issued advice and guidance on the destruction of information and has provided a sample destruction form to assist staff.