

[REDACTED]
Jackson Quinn
7 Grove Street
Retford
Notts
DN22 6NN

By email only to: [REDACTED]

19 August 2022

[REDACTED]
Case Reference Number INV/0354/2021

I write to inform you that the ICO has now completed its investigation into the inappropriate disclosure of the information contained in an adoption bundle to an unwanted party.

In summary, it is my understanding that the case is as follows:

Jackson Quinn was representing two children in relation to step-parent adoption proceedings at the family court. The case was listed for a final hearing to take place on 13 February 2021.

Two reports containing personal data which were prepared for the court by social workers from [REDACTED] were disclosed to the birth father in error by Jackson Quinn. The 'Annex A' reports had been included in a bundle which Jackson Quinn had prepared for the court hearing and sent to the birth father who was representing himself and was in prison at the time. The prison subsequently confirmed that it had printed a copy of the bundle and provided it to the birth father on 2 February 2021, so he could prepare to represent himself.

Included within the reports was information relating to the children, their mother, her husband (including current photographs) and extended family members. In particular the reports contained information about the children's school and the family's address although it is understood that the family had moved to a new address in a different area and the children attend a different school, since the reports were compiled.

The birth father is currently serving a custodial prison sentence for three convictions of rape of the mother and one conviction of assault by penetration. He is therefore deemed to pose a high risk to the mother and there is concern

that he may attempt to use information disclosed within the Annex A reports to locate the mother, her husband and the children and seek to cause them harm.

The incident was compounded due to the fact that after the error had been discovered, the birth father's wing in the prison was locked down due to a Covid-19 outbreak and there was no way for the prison to retrieve the reports from the father, until later (24 March 2021). The reports were in the birth father's possession for seven weeks and one day.

This case has been considered under the United Kingdom General Data Protection Regulation (the UK GDPR) due to the nature of the processing involved.

For more information about our powers under the data protection legislation please see the attached leaflet.

- ICO Enforcement leaflet - UK GDPR and DPA 2018

Our consideration of this case

I have investigated whether Jackson Quinn has complied with the requirements of the data protection legislation.

In the course of my investigation, I have noted that in this case, the addresses provided in the Annex A reports were not current, offering some level of protection to the birth mother, step-father and children.

Jackson Quinn claims that the third party family members in the Annex A reports are all known to all parties involved in the adoption case. Jackson Quinn also claims that while other third parties are named, information such as addresses were not included.

Since the breach, the father had been ordered to return the reports to the prison, which were then destroyed. He no longer has a physical copy of the Annex A reports.

It was also discovered through the course of the investigation that Jackson Quinn was not properly redacting documents provided to the ICO. Information was still visible through the marker-pen redactions provided.

Jackson Quinn provided an out-of-date data protection policy to the ICO. While there were some encouraging features some things were lacking. The link to the ICO website, included in the document, was incorrect, it linked to the 'ISO' (which does not exist). The policy itself claims to be annually reviewed, but is dated 2019 and there is no version control, so employees would not know

whether they are looking at the newest version or not. Jackson Quinn has not provided any evidence that the policy has been read or understood by staff.

We have also considered and welcome the remedial steps taken by Jackson Quinn in light of this incident. In particular, the creation of a specific policy around the protection and storage of confidential data and documents. It focuses on domestic abuse cases, adoption proceedings and children's cases, including Annex A and B reports specifically.

However, after careful consideration and based on the information provided, we have decided to issue Jackson Quinn with a reprimand in accordance with Article 58 of the UK GDPR.

Details of reprimand

The reprimand has been issued in respect of the following processing operations that have infringed the UK GDPR:

Article 5(1)(f) – Personal data should 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').

In particular, Jackson Quinn did not have a suitable policy in place regarding the creation of adoption bundles. The lack of policies and procedures at the time of the breach meant that there were no guidelines for staff to follow, and therefore opportunities to protect personal data were missed, and important information disclosed to the wrong individual.

Jackson Quinn has not been redacting documents to a proper standard either. Examples of redacted documents provided to the ICO had information legible through the marker pen strikethrough when viewed on a computer screen. The ICO would expect Jackson Quinn to employ better redaction practices, for example employing the use of redaction software to fulfil its duties under Article 5(1)(f).

Article 32 – Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, the controller and the processor shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk.

It would be expected that Jackson Quinn would have the means and resource necessary to implement appropriate policies and procedures. Furthermore, it would be expected that Jackson Quinn would have the means to procure and train staff to use adequate redaction software.

Further Action Recommended

The Commissioner recommends that Jackson Quinn could take certain steps to improve its compliance with the UK GDPR. In particular:

1. Jackson Quinn should update its data protection policy to a new version-controlled version. It should check and update all links and references to external organisations and circulate it among employees, confirming it has been read and understood by all.
2. Jackson Quinn should consider implementing a written bundle creation policy, and circulate it among staff, confirming it has been read and understood by all.
3. Jackson Quinn should review its redaction policy and make sure that appropriate redaction software is used in the future. It may be pertinent to review previously redacted information and carry out new redaction processes using the software procured to reduce the likelihood of future breaches.

Please provide an update by email to [REDACTED] as to whether these steps have been taken by 19 November 2022.

Whilst the above measures are suggestions, I would like to point out that if further information relating to this subject comes to light, or if any further incidents or complaints are reported to us, we will revisit this matter and formal regulatory action may be considered as a result.

Further information about compliance with the data protection legislation which is relevant to this case can be found at the following link:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

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Therefore, we may publish the outcome of this investigation to publicise our regulatory authority and new powers under the UK GDPR. We will publish information in accordance with our Communicating Regulatory and Enforcement Activity Policy, which is available online at the following link:



https://ico.org.uk/media/about-the-ico/policiesandprocedures/1890/ico_enforcement_communications_policy.pdf

Please let us know if you have any concerns about this.

Thank you for your co-operation and assistance during the course of our investigation.

We now consider the matter closed.

Yours sincerely,


Lead Case Officer – Civil Investigations
Regulatory Supervision Service
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
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Information Commissioner's Office

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