

DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

REPRIMAND

The Information Commissioner (the Commissioner) issues a reprimand to Thames Valley Police (TVP) in accordance with Schedule 13(2)(c) of the Data Protection Act 2018 (DPA 2018) in respect of certain infringements of the DPA 2018.

The reprimand

The Commissioner has decided to issue a reprimand to TVP in respect of the following infringements of the DPA 2018:

- S.40 of the DPA 18 (Security) which states: The sixth data protection principle is that personal data processed for any of the law enforcement purposes must be so processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures (and, in this principle, "appropriate security" includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage).

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

This investigation has found that TVP have inappropriately disclosed contextual information that led to suspected criminals learning the address of a witness (the data subject).

As a result of this incident, the data subject has moved address and the impact and risk to the data subject remains high.

This incident occurred because TVP did not have the appropriate organisational measures in place to ensure that their officers were aware of existing guidance around disclosure and redactions. TVP have been unable to evidence that the officer who responded to the information request from the housing authority had received redaction training or was aware of existing policies around sharing information.

Further to this, there was no oversight of the redaction process as TVP thought that the officer in question had sufficient experience to complete the redactions.

Mitigating factors

In the course of our investigation we have noted that TVP do have redaction training and policies in place that would have reduced the likelihood of this incident from occurring, had they been followed.

However, the officer responsible for this incident was not aware of these policies. This is because TVP do not proactively make their officers aware of their policies but instead point their officers to a policy library as part of an officers induction.

For example, a policy about evidence gathering and the need to protect evidence and intelligence sources was provided by TVP. Within this policy it instructs officers to meet with a supervisor of TVPs intelligence hub before disclosing information about intelligence sources. However, this officer responsible for this incident did not do this as they were not aware of the policy or any existing guidance telling them to do so.

Remedial steps taken by TVP

The Commissioner has also considered and welcomes the remedial steps taken by TVP in the light of this incident. In particular, the officer in question has completed information management refresher training, TVP operational guidance has been updated to provide more detail with when information can be shared and an email has been sent that highlights data sharing guidance. Further to this, policy documents have been updated to provide greater detail on how, what and when to make redactions.

While these are welcome remedial steps that have been taken by TVP, the ICO would expect more to be done in an incident such as this. For example, the completion of redaction training for officers who are expected to complete redactions, as well as regular updates or awareness sessions on policies.

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 TVP in relation to the infringements of S.40 of the DPA 18 (Security) of the DPA 2018 set out above.

Further Action Recommended

The Commissioner recommends that TVP should take certain steps to ensure its compliance with DPA 2018. With particular reference to S.40 of the DPA 18 (Security) of the DPA 2018, the following steps are recommended:

1. TVP should consider providing redaction training to all staff responsible for redactions and completing disclosures.
 2. TVP should share any updates to policies or processes with officers and members of staff as soon as they are available.
 3. TVP should continuously review policies and guidance on the handling of personal data (including disclosure, redactions etc), and update these documents where necessary. Staff need to be reminded of these regularly, and proactively updated as soon as they are reviewed.
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