

Ms E Morrison
Cafcass National Office
3rd Floor
21 Bloomsbury Street
London
WC1B3HF

Send by email only to: governance@cafcass.gov.uk

5 March 2019

Dear Ms Morrison

RE: COM0810140

I am writing following on from our correspondence of 28 August 2018, where we issued a reprimand following 21 incidents of correspondence containing highly sensitive personal data being sent to the incorrect address / email. I have attached another copy of the reprimand for your reference. Between May 2018 and February 2019, there has been 60 data breaches affecting 222 data subjects. Since we issued the reprimand, there has been 39 cases affecting 148 data subjects.

Based upon the information provided to us so far we have decided that this requires further investigation. We would also like further information from you about the steps CAF/CASS have taken since we issued the reprimand and any organisational and/or technical measures you have implemented as a result.

I am the case officer in charge of that investigation.

I am investigating The Children and Family Court Advisory and Support Service's (CAF/CASS) compliance with the data protection legislation (i.e. the General Data Protection Regulation and the Data Protection Act 2018).

In particular, we are investigating your organisation's compliance under Article 5(1)(f) of the GDPR. As you may be aware, these require appropriate technical and organisational measures to be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

At this stage we have not yet formed a view on what action, if any, we will take. However it is possible that, once we have considered all the relevant evidence, we will exercise our powers as set out in the attached leaflet. However, as a reprimand has already been issued, we may need to consider more formal action.

Your co-operation in providing full and detailed answers to our enquiries and establishing the facts is appreciated.

Article 31 of the GDPR sets out a general obligation on controllers and processors to cooperate, on request, with the supervisory authority in the performance of its tasks. Such cooperation will be taken into account in relation to the outcome of our investigations.

Further information

We have very serious concerns about the number of cases CAFCASS have reported to us. In order that I may assess this matter and determine what, if any, further action may be necessary, please provide the following information.

1. You have explained that *'new data protection training has been delivered to the business support teams at the national business centre. This training will be delivered in January 2019.'* I understand that there was a test at the end of the training session to test understanding.

Please clarify:

- The percentage of staff who have completed this training.
- Compliance rates for training for all staff (percentage of pass / fails).

Please provide:

- A copy of the training materials.
 - A copy of the test at the end of the training session.
2. You have explained that all staff will be required to re-read the CAFCASS information assurance and IT policy over the next 6 months.
 - How do you ensure that staff read the policies?
 - Please confirm the percentage of staff who have re-read the policies mentioned above. Please provide documentary evidence as appropriate.
 - Please confirm the date you expect all staff to have re-read the policies by.
 3. You have explained that *'where staff commit multiple errors, they will be subject to performance improvement measures'*.

- Please explain the threshold for this. For example, how many inappropriate disclosures do staff need to make before '*performance improvement measures*' are considered?
 - Please explain what you mean by '*performance improvement measures*' and provide documentary evidence as support.
 - How many members of staff are under '*performance improvement measures*' as a result of inappropriate disclosures?
4. With regard to other remedial measures you intend to take to reduce the number of incidents, what is the status of these?
5. With regard to our 5 recommendations in the reprimand, please explain, in detail, what changes you have made as a result of the reprimand. For example, have you removed autocomplete from email systems? Please provide a detailed explanation and documentary evidence as appropriate for each recommendation.
6. Have there been any serious consequences for data subjects, as a result of any of the incidents. For example, possible negative consequences in relation to court proceedings. Please provide specific details in relation to each incident.
7. Has CAF/CASS received a formal complaint from any individual affected by any of the breaches? If so, please provide specific details for each complaint including an assessment on the damage and/or distress caused to the data subject.
8. Have you identified any trends in relation to where and when data breaches occur? For example;
- Have you identified a team where more data breaches occur?
 - Do you have sufficient staff to deal with the number of cases reported?
 - Is it mostly new starters who are involved in data breaches?
9. Please provide an outline of an average CAF/CASS employee's caseload and their key performance indicators, including:
- How many cases are staff allocated per month?
 - Are staff targeted on number of cases completed?
 - How many letters are sent on a monthly basis?
 - How many cases are closed on a monthly basis?

Please provide specific details

If you have any further information relevant to this matter, including any additional remedial measures taken or changes to your policies, procedures or technical security, please provide full details when responding.

Please provide the information requested by 19 March 2019.

Please contact me if you wish to discuss this case.

When responding by email please be careful not to amend the information in the 'subject' field. This will ensure that your response is added directly to this case.

Thank you for your assistance in this matter.

Yours Sincerely

Emily Knight
Lead Case Officer
Information Commissioner's Office
0330 414 6325

Please note that we are often asked for copies of the correspondence we exchange with third parties. We are subject to all of the laws we deal with, including the General Data Protection Regulation, the Data Protection Act 2018 and the Freedom of Information Act 2000. You can read about these on our website (www.ico.org.uk).

The ICO publishes the outcomes of its investigations. Examples of published data sets can be found at this link (<https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/>).

Please say whether you consider any of the information you send us is confidential. You should also say why so that we can take that into consideration. However, please note that we will only withhold information where there is good reason to do so.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice