

Mr. J. Edwards

Information Governance Unit  
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By email only

Telephone: 01992 555848  
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Date: 8th July 2010

Dear Mr Edwards,

**Reference number: FOI/RAP/06/10/2182**

On 10 June 2010, we received the following request for information from you:

On 1<sup>st</sup> June 2010 Hertfordshire County Council wrote to tell me that, in responding to an information request from a member of the public (i.e. not me) concerning Grove Road, Hemel Hempstead, and through a "human error", they had "ineffectively redacted" the data and as a consequence my personal data (my name, e-mail address and mobile phone number). I believe that the unredacted information was sent in mid May 2010.

Also on 1<sup>st</sup> June 2010. Hertfordshire County Council wrote to Whatdotheyknow to tell them that they had "ineffectively redacted" their response to my query on this site (Please send me the results of your investigation into the continued obstruction of Grove Road), presumably as the result of the same "human error". As a consequence the entire report can now be seen on the Whatdotheyknow site under the above query, together with the redacted version. Viewing the redacted and unredacted versions on this site, there has been a major breach of confidentiality. The response was delivered on 4th May 2010.

The same "human error" has occurred at least twice, with some 14 days between a first and second occurrence. This being so, it is reasonable to assume that this is a generic problem which has affected a number of responses.

My request is therefore that HCC provide full, chronological, details of what went wrong both in general and for the two particular instances noted above (such as what happened, how it happened, how it was discovered, how many cases have occurred (and how many people have had to be notified), over how long a period, what has been done to ensure it does not happen again and so on).

Your request for information has been considered under the *Freedom of Information Act 2000*. I can confirm that Hertfordshire County Council does hold the information you have requested and can respond as follows:

The County Council's *Information Access Team* regularly releases electronic documents in response to requests for information which fall under the *Freedom of Information Act 2000* and *Environmental Information Regulations 2004*. Where documents contain information which is exempt from disclosure (e.g. personal information), the team uses software to redact (remove) this information from electronic documents before disclosing them.

Unfortunately, our electronic redaction process has not worked correctly on some documents released under FOI / EIR. Text has been physically obscured by blackout markings, but the underlying text has not been excised from the documents, and can be retrieved / viewed. This was brought to our attention by a recipient of information who reported that they had received un-redacted files.

The documents containing personal data were released in response to two separate requests for information. *Request One* asked for a copy of the results of the County Council's investigation into the obstruction of Grove Road, Hemel Hempstead. This report was disclosed to a *whatdotheyknow.com* email address, and was subsequently made available via that website.

*Request Two* asked for information and correspondence held by the County Council regarding Grove Road, Hemel Hempstead. The requestor asked for all information from 1970 to date. Only recent correspondence was held, and was released in response to the request.

The County Council was alerted to the redaction error by the recipient of our response to *Request Two*. The redaction process used on the documents disclosed in response to this request was examined, and it was discovered that the process had not been correctly applied. Steps were taken immediately to ensure that any redaction undertaken from this point forward was permanent.

An investigation was initiated to establish what had happened, how it had happened, the breadth of the problem and the action required in light of the data security breach.

We determined that the redaction failure was the result of human, rather than software error (i.e. the way the software had been used, rather than the software being unfit for purpose). The member of staff concerned had been proof checking their redactions, but not to the extent of trying to circumvent the redactions by viewing documents in other formats (or with different software).

We have made sure that the entire team understands how the error occurred, the severity of the situation, and what process to follow to ensure that this redaction error cannot occur again.

The incorrect redaction process had been used since November 2009. However because of unit staff changes Information Governance Unit staff tested the redactions applied to all responses sent from July 2009 onwards (covering 734 requests for information). Only one other response was found to contain personal data which should have been permanently redacted, but which could still be accessed. This was the response sent to *Request One*.

This checking exercise did reveal that redaction failed, in some instances, where we had sought to withhold details relating to individuals acting in their professional capacity. Our view is that redaction should be kept to a minimum, and that information which specifically relates to professional activity should be disclosed where possible. We are reviewing the application of redaction in light of this.

The six parties directly affected by the data security breach were informed. We apologised for the breach and explained:

- How the error occurred.
- What action we were taking.
- Their right to complain to the Information Commissioner's Office.

With regard to the incorrectly redacted documents provided to *whatdotheyknow.com*, we have asked them to remove this version of the report from their website, and have provided them with a properly redacted document. They have declined to remove the original version, citing the public interest in the information being made available and the public interest in their maintaining a "repository of FOI requests, responses and correspondence in as complete and uncensored a manner as is possible within the law".

We have written to the Information Commissioner's Office (ICO) to report our failure to adequately protect personal data, and to seek their advice regarding the stance being taken by *whatdotheyknow.com*. We have advised *whatdotheyknow.com* that we are seeking advice from the ICO.

In terms of ongoing and future action:

- We are exploring new redaction software to see if it eliminates the process which gave rise to the human error.
- We are developing clear guidelines on the appropriate use of redaction in the preparation of responses to requests for information.
- We are revising our breach notification process so that all identified parties are notified at the same stage, in the event of any future data security breaches.
- We will co-operate fully with any investigation undertaken by, or course of action prescribed by, the ICO.

## Summary chronology of key events:

Date	Event
4 May 2010	Response to Request One sent by the <i>Information Access Team</i> .
19 May 2010	Response to Request Two sent by the <i>Information Access Team</i> .
26 May 2010	County Council informed of the redaction error by recipient of Request One.
27 / 28 May 2010	Redaction in responses to requests for information sent from July 2009 onwards checked.
28 May 2010	Whatdotheyknow.com alerted to the breach by the <i>Information Access Team</i> .
1 June 2010	Five of the data subjects affected by the breach informed by the <i>Information Access Team</i> .
7 June 2010	Sixth data subject affected by the breach informed by the <i>Information Access Team</i> .
17 June 2010	ICO advised of the data security breach by the <i>Information Access Team</i> .

If you have any further questions about this data security breach, or if you want any more information about the action we have taken, please do not hesitate to contact me, quoting reference number **FOI/RAP/06/10/2182**.

If you are unhappy with the way the County Council has handled your request for information, you may complain through the County Council's complaints procedure which is available at [www.hertsdirect.org/complaints](http://www.hertsdirect.org/complaints).

If you are unhappy with the outcome of the complaints procedure you are entitled to ask the Information Commissioner to investigate your complaint. You should write to:

**FOI / EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF**

Yours sincerely,

**Elaine Dunncliffe  
Senior Information Access Practitioner  
Hertfordshire County Council**

*The Information Governance Unit supports Hertfordshire County Council's Data Protection, Freedom of Information and Records Management activity.*