

Final Reprimand

DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

REPRIMAND

TO: Clyde Valley Housing Association

OF: 50 Scott Street, Motherwell, ML1 1PN

1.1 The Information Commissioner (the Commissioner) issues a reprimand to Clyde Valley Housing Association in accordance with Article 58(2)(b) of the UK General Data Protection Regulation (UK GDPR) in respect of certain alleged infringements of the UK GDPR (United Kingdom General Data Protection Regulation).

The reprimand

1.2 The Commissioner has decided to issue a reprimand to Clyde Valley Housing Association in respect of the following alleged infringements of the UK GDPR:

- Article 5(1)(f) requires that personal data “is 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)”

The infringement occurred when Clyde Valley Housing Association released a new customer portal. The portal went live on 14 July 2022. On the same date, a resident logged into the portal and found that they were able to view personal information about other residents. The resident called Clyde Valley Housing Association and spoke to a customer service advisor, and told them that they could see information that they felt they shouldn't have been able to see. The customer service advisor who received the call then failed to escalate this concern, which led to this data remaining viewable on the portal. On 19 July 2022 at 07:00, a mass email was sent to residents promoting the new portal to them. At 09:13 a resident contacted Clyde Valley Housing Association saying they were able to view other residents information. Three further reports were then received. These reports were correctly escalated and all portal user accounts were locked at 10:30 which prevented any further logins from residents. The portal was then fully suspended at 11:48.

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

1.4 Clyde Valley Housing Association was established in 1996 and provides social housing to the Lanarkshire and East Dunbartonshire areas of Scotland. It is a registered charity that owns and manages around 4,700 properties and provides services to 3,000 homeowners. This reprimand concerns the processing of personal information through the use of an online customer portal. It is considered that Clyde Valley Housing Association failed to carry out adequate testing prior to the online customer portal going live, leading to an accidental access to this data due to a lack of appropriate technical measures.

1.5 As part of the configuration of the portal, there was a widget available for residents who had ongoing anti-social behaviour cases. There was a configuration error with this widget that allowed residents with an ongoing anti-social behaviour case to access all other documents on the portal, as opposed as just being able to view their own. 394 data entries linked to anti-social behaviour were accessible, and of those 286 contained sufficient information to identify data subjects. In total 139 data subjects were affected by this issue with the anti-social widget, with Clyde Valley Housing Association stating that 62 face a high risk to their rights and freedoms. High risk is described by Clyde Valley Housing Association as a "significant invasion of privacy with regards to data of a private or confidential nature, and a risk of financial loss as a consequence of fraud or identity theft". However, it has been noted that although the data was viewable for five days, it has been confirmed by Clyde Valley Housing Association that only 11 residents logged into the portal at the time the data was available.

1.6 When questioned around the testing plan it was stated that "The testing plan did not identify any issues with data security and simply tested functionality" and that the testing "did not focus on data protection or the possibility of a breach". Furthermore, once the portal went live, Clyde Valley Housing Association did not conduct any further testing of the portal to ensure the correct functionality of the portal.

1.7 This demonstrates a failure to keep residents data secure against unauthorised processing, and as a result is an infringement of Article 5(1)(f) of the UK GDPR.

Remedial steps taken by Clyde Valley Housing Association

1.8 The Commissioner has also considered and welcomes the remedial steps taken by Clyde Valley Housing Association in the light of this incident. In particular:

- Working with ██████████ the company who helped to develop the portal alongside Clyde Valley Housing Association, to identify the root cause and ensuring the new version will not be released until the issue has been fully resolved.
- Updating processes to ensure all staff, including agency staff are provided with up to date and relevant data protection training.
- Identifying the 11 individual users who accessed the antisocial behaviour portal and instructing them not to share, copy or make further use of the data.

Decision to issue a reprimand

1.9 Taking into account all the circumstances of this case, including the remedial steps, the Commissioner has decided to issue a reprimand to Clyde Valley Housing Association in relation to the alleged infringements of Article 5(1)(f) of the UK GDPR set out above.

Further Action Recommended

1.10 The Commissioner has set out below certain recommendations which may assist Clyde Valley Housing Association in rectifying the infringements outlined in this reprimand and ensuring Clyde Valley Housing Association's future compliance with the UK GDPR. Please note that these recommendations do not form part of the reprimand and are not legally binding directions. As such, any decision by Clyde Valley Housing Association to follow these recommendations is voluntary and a commercial decision for Clyde Valley Housing Association. For the avoidance of doubt, Clyde Valley Housing Association is of course required to comply with its obligations under the law.

1.11 If in the future the ICO has grounds to suspect that Clyde Valley Housing Association is not complying with data protection law, any failure by Clyde Valley Housing Association to rectify the infringements set out in this reprimand (which could be done by following the Commissioner's recommendations or taking alternative appropriate steps) may be taken into account as an aggravating factor in deciding whether to take enforcement action - see page 11 of the Regulatory Action Policy [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk) and Article 83(2)(i) of the UK GDPR.

1.12 The Commissioner recommends that Clyde Valley Housing Association should consider taking certain steps to improve its compliance with UK GDPR. With particular reference to article 5(1)(f) of the UK GDPR, the following steps are recommended:

1. Ensure the root cause analysis is complete and rigorous testing is undertaken that focuses on data protection prior to the Portal being rolled out in future.
2. Conduct a review of the content of data protection training to ensure that training provided is relevant to, and adequate for, the staff members receiving it.