

Serious Incident Report

Loss of Disclosure and Barring Service (DBS) Certificates

25th July 2016

Introduction

On Monday 11th July 2016 4 lever arch files containing up to 500 copies of disclosure certificates were found to be missing from the Citygate offices. The cabinet which had been used to store copies of the DBS certificates, in 6 lever arch files, had been removed from the office along with redundant furniture as part of a planned office refurbishment.

The planned office refurbishment works in Citygate took place in a number of phases between 31st May and 24th July. Phase 3a of these works took place between the 6th and 9th July and covered the removal of cabinets on the 3rd floor of the building. However, that work also encompassed late changes to the project plan including last minute alterations on the 4th floor which was where the DBS certificate cabinet was located.

The DBS certificates which have been lost contain personally identifiable data including any details of criminal convictions, including spent convictions.

Background

As part of the CQC Newcastle and Leeds office refurbishment programme, arrangements were made with a project management company (Primary Contractor) to competitively tender on behalf of CQC for office refit and removal services. These contracts were awarded to selected sub-contractors for the removals and refit services. The removal services covered the removal and disposal of redundant furniture.

Project plans were produced covering all of the intended refit arrangements for both offices, the plans were broken down into 4 phases between 31st May and 24th July with some minor out of hours phases (2a and 3a). Those plans included diagrams of the offices annotated with the existing and planned layout as well as indicating the furniture to be disposed of.

Phase 3a of the project was planned for Friday 8th July from 17:00 to 22:00 but overran and was completed between 8:00 and 12:00 on Saturday 9th July.

Members of the primary contractor staff, CQC facilities and NCSC staff discussed the phase 3a works on site on Wednesday 6th July, cabinets on both the 3rd and 4th floors were then clearly labelled with 'Remove' stickers by a member of the primary contractor staff. Phase 3a of the project originally only covered furniture on the 3rd floor but was extended

to elements of the 4th floor to provide additional storage and improve the aesthetics of the office space.

Further discussions took place on 7th July on the 3rd floor where it was decided to revert to the original plan and retain some of the cabinets marked for removal the previous day. Labels on the cabinets on that floor were changed to reflect this new requirement. However, the labelling on the 4th floor cabinets was not amended as it was understood by the primary contractor that the late change of plan related to the 3rd floor only. This resulted in the cabinets on the 4th floor remaining labelled for removal.

At 16:45 on 8th July members of the DBS team locked the files containing the DBS certificates away in accordance with their end of day procedures and secured the key to the cabinet in the key safe. They have stated that they did not notice any sticker on the cabinet indicating that it had been identified for removal.

This phase of the work was subsequently carried out by the sub-contractor staff during the evening of the 8th July and the morning of the 9th July. Access to the offices had been arranged with the building security team and they were accompanied by project management staff from the primary contractor. There were no CQC staff on site when this work was carried out.

There was an agreement between CQC, the project management company and the removals service that any cabinets which were marked for removal or needed moving and found to be locked should be forced open and the contents left in the CQC office. When the DBS team returned to work on Monday 11th July they found their cabinet missing with 2 of the 6 lever arch files containing copies of DBS certificates on top of another, nearby cabinet. A book of royal mail stickers used by the team which had been stored in the cabinet was also found nearby. The other 4 files, containing the copies of the DBS certificates, could not be located.

The missing files contained copies of DBS certificates dating from July 2015 to March 2016. An electronic system was introduced on 1st April 2016 meaning that no certificates were copied and stored as hard copy since that date. The copies of the certificates were being stored for up to 12 months, in compliance with the records retention policy.

Comprehensive searches of the Citygate offices and outside storage and rubbish areas were carried out on 11th July but did not locate the files. All confidential waste bins were opened and checked by CQC staff. Those searches did not find the missing files.

Urgent discussions took place with the 2 companies involved in the move to establish the whereabouts of the cabinet. These discussions established that approximately half of the furniture removed from Citygate had already been destroyed or broken up for scrap or recycling. The remaining items were being held in storage at a sub-contractor facility, that site was searched by CQC and contractor staff on the 14th and 15th July. Those searches also failed to recover the lost documentation.

The company has informed CQC that any documentation found during the dismantling process would have been removed from the furniture, stored and would be returned by

courier to Citygate. A limited amount of paperwork has been returned to CQC as well as other documentation found during the searches on the 15th July. None of that documentation relates to the DBS files or individual certificates.

Throughout all phases of the project staff were informed that they must remove all documentation and other items from their storage cabinets and store them in temporary blue crates which could be sealed. This was done as the removals company would not be able to move very heavy full cabinets. The DBS team had moved from the 3rd to the 4th floor on 20th June and had already relocated all of their documentation from its previous storage cabinet on the 3rd floor to their new area and re-allocated storage cabinet on the 4th floor. They have stated that they understood that their involvement in the move was complete and no longer had to empty any cabinets they were using. It was from the cabinet on the 4th floor that the files were lost as it had been included in the last minute changes which the team was unaware of.

Checks carried out by the DBS team have established that the 4 lost files contained copies of DBS certificates relating to 500 individuals. The team has produced a comprehensive list of those individuals along with their contact details.

This incident was reported to the Information Commissioner's Office (ICO), the Department of Health and the DBS authority on 15th July 2016. The ICO has acknowledged the report and indicated that they will follow up in due course.

Conclusions

It is concluded that:

- The root cause of the loss of these documents was the last minute verbal changes to the requirements for the contractors made on 7th of July, the lack of adherence to the documented plan and a misunderstanding between CQC staff and the primary contractor team.
- The last minute changes to the project plan were not subject to any change control or approved by the project board.
- The project widely communicated details of the project and the requirement to secure documentation in scope of the project to all staff in the Newcastle and Leeds offices.
- Contractor staff were given access to CQC offices with no on-site presence of CQC staff.
- Contractors were given instructions to remove all furniture marked for removal, if they found furniture which contained any items then they told to force open the item and leave any contents in the office.
- This incident represents a very serious data security breach potentially causing harm or distress to 500 individual members of provider staff.

- Despite comprehensive searches both internally and externally, the missing files cannot be located.
- Should the information contained in the missing folders fall into unscrupulous hands then it has the potential to cause further harm and distress to the individual data subjects.
- Whilst theft of the files cannot be ruled out at this stage, it is believed to be a very low likelihood.
- It is believed likely that these files will never be recovered and we will not be able to establish their final disposal.

Recommendations

It is recommended that:

- CQC should inform each of the subjects of this data breach in writing.
- CQC should assist any further investigation by the Information Commissioner's Office in their subsequent follow up on this incident.
- Details of this incident should be published on the CQC website to provide a summary of the breach.
- An internal communication should be made to all staff on the intranet to provide an overview of the incident. Teams which may be involved in follow up to the incident should be provided with a more detailed report, this includes the engagement, information access, legal and complaints teams.
- All future office moves and refurbishment should be subject to comprehensive management oversight including security team review of the plan and appropriate input.
- All future access to CQC offices by contractor staff should be directly overseen and supervised by CQC staff.
- All projects should include comprehensive change control procedures with clear approval paths to project boards.
- Consideration should be given to commissioning an independent, external review of CQC security arrangements.

Investigating Officer:

Information Security Manager – CQC

25th July 2016