

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Association of School and College Leaders

130 Regent Road  
Leicester  
LE1 7PG

I, Brian Lightman, General Secretary of the Association of School and College Leaders ('ASCL') for and on behalf of ASCL, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. The Association of School and College Leaders is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the 'Act'), in respect of the processing of personal data carried out by ASCL and is referred to in this Undertaking as the 'data controller'. Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the 'Commissioner') was provided with a report of the theft of a laptop containing personal data from the home of an employee of the data controller. The employee worked mainly out of the office environment and had been supplied with the laptop by the data controller to allow him to perform his role. Although the amount of personal data lost is not certain, it is understood that around 100 data subjects may have been affected.
3. The laptop had encryption software installed but the decision whether or not to encrypt individual documents or folders was left to the employee's discretion. The Commissioner's enquiries revealed that, although the data controller was making good progress towards implementing appropriate technical and organisational measures to safeguard personal data, the measures in place at the time of this incident were inadequate.
4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1, Part I to the Act. The Commissioner has also considered the fact that some of the data involved in this incident consisted of information as to the union membership and possibly also the physical or mental health or condition of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(d) and (e) of the Act. However, the risk of substantial damage or distress to the data subjects in this instance is considered remote.

5. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

**The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:**

- (1) All portable and mobile devices including laptops and other portable media used to store and transmit personal data, the loss of which could cause damage or distress to individuals, are encrypted using encryption software which meets the current standard or equivalent;**
- (2) All staff are aware of the data controller's policy for the storage and use of personal data and are appropriately trained how to follow that policy;**
- (3) Compliance with the data controller's policies on data protection and IT security issues, and with physical security requirements, is appropriately and regularly monitored;**
- (4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Dated

Signed .....  
Brian Lightman  
General Secretary  
Association of School and College Leaders

Signed .....  
Sally-anne Poole  
Acting Head of Enforcement  
For and on behalf of the Information Commissioner