

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Brent Teaching Primary Care Trust

Wembley Centre for Health & Care
116 Chaplin Road
Wembley
HA0 4UZ

I, *[name removed]*, *[job title removed]* of Brent Teaching Primary Care Trust (the Trust), Wembley Centre for Health & Care, 116 Chaplin Road, Wembley, HA0 4UZ, for and on behalf of the Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. Brent Teaching Primary Care Trust 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 the Trust 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 from the data controller, regarding the theft of two laptop computers which contained the personal data of patients of the data controller, including some data relating to the health of those patients ("sensitive personal data" as defined by the Act). The computers were left in a locked office over the weekend of 14 and 15 January 2008. However, the laptops were left out on a desk and no further physical security measures were taken, contrary to the Trust's security policy. The computer contained the personal data of 389 patients and was not encrypted.
3. 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 1 of the Act.
4. 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 or from other data controllers in similar circumstances, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Schedule 1 Part 1 of the Act, and in particular that:

- (1) 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) The data controller shall take all reasonable measures to ensure the physical security of any of its own equipment that is used to process personal data, whether that equipment is on the data controller’s own premises or on the premises of another organisation;**

- (3) The data controller shall ensure that all staff are adequately trained on the data controller’s information security policies;**

- (4) The data controller shall implement such other security measures it deems appropriate to ensure that personal data is protected against unauthorised and unlawful process, accidental loss, destruction, and/or damage.**

Dated.....

Signed.....
[name removed]
[job title removed]
Brent Teaching Primary Care Trust

Signed.....
Mick Gorrill
Assistant Commissioner Regulatory Action Division
For and on behalf of the Information Commissioner