

DATA PROTECTION ACT 1998

**SUPERVISORY POWERS OF
THE INFORMATION COMMISSIONER**

UNDERTAKING

Data Controller: Leicester City Council

New Walk Centre
Welford Place
Leicester
LE1 6ZG

I, Sheila Lock, Chief Executive of Leicester City Council, New Walk Centre, Welford Place, Leicester LE1 6ZG on behalf of Leicester City Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Leicester City Council 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 on by the Council 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”) received a report from the data controller’s Information Governance Team Manager, concerning the loss of an unencrypted USB memory stick from a Council-run nursery, which contained personal data relating to about 80 children. Some of the personal data involved was “sensitive personal data”, as defined by section 2 of the Act. The data controller has established that, contrary to its policies and procedures (referred to in paragraph 3 below) and without management knowledge, temporary administrative staff were storing personal data on the USB stick in question.
3. As stated above, the data controller already had in place policies requiring portable memory devices to be purchased centrally through its IT department; prohibiting the use of personal devices for work purposes and requiring all portable devices holding personal data to be encrypted.
4. The Commissioner has considered the data controller’s remedial action taken to date, its intended future remedial action and its 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 is set out at Part I of Schedule 1 to the Act.

5. Following the Commissioner's review of the data controller's policies and the remedial action taken in this instance, it has been 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 Schedule 1 Part I to the Act, and in particular that:

- ***The data controller shall use its best endeavours to ensure that any personal data held on any portable media either by the data controller, or by a data processor processing personal data on behalf of the data controller, is suitably encrypted so as to provide effective protection against unauthorised access;***
- ***The data controller shall improve its induction and training programmes for all staff, including contract and temporary staff, to stress the requirement for compliance with the Act and the data controller's internal procedures, in particular with regard to security of personal data, and shall periodically review and refresh such training as necessary;***
- ***The data controller shall use its best endeavours to ensure that sufficient supervisory checks are implemented to ensure that all staff, including contract or temporary staff, adhere to the relevant internal procedures and work in compliance with the provisions of the Act when dealing with personal data;***
- ***The data controller shall implement such other security measures as it deems appropriate to ensure personal data is protected against unauthorised or unlawful processing, accidental loss, destruction and/or damage.***

Dated.....

Signed.....

Sheila Lock (Chief Executive)
For Leicester City Council

Signed.....

Mick Gorrill (Assistant Commissioner, Regulatory Action Division)
For the Information Commissioner