

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Manchester City Council

Town Hall
Albert Square
Manchester
M60 2LA

I, Sir Howard Bernstein, Chief Executive of Manchester City Council, Town Hall, Albert Square, Manchester M60 2LA (“the Council”), on behalf of the Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Manchester 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”) was provided with a report from the City Treasurer, regarding the theft of two laptop computers from the internal audit offices in the Town Hall. One of the laptops contained personal data relating to 1,754 staff employed in local schools and both had been left on a desk in the main office while their batteries were charged. The laptops were neither encrypted nor password-protected, nor were they secured to immovable objects, in breach of a number of the data controller’s internal policies and procedures, in which all staff had received training.
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 at Part I of Schedule 1 to the Act.
4. In view of the circumstances of this incident and the remedial steps taken and proposed by the data controller as a result, 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 is processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

- **The data controller shall use best endeavours to ensure that any personal data held on a laptop computer or other removable media by the data controller is suitably encrypted so as to provide effective protection against unauthorised access;**
- **The data controller shall use best endeavours to ensure that all laptop computers are secured to desks when in use in its offices, and stored securely in locked cabinets when the offices are unattended;**
- **The data controller shall ensure either that data is not downloaded to mobile devices for audit purposes or that only such data as is absolutely necessary to perform the audit is downloaded and that this data is securely encrypted as provided above;**
- **The data controller shall implement improved training in data protection and IT security for all staff, taking such steps as necessary to record testing of individuals' understanding to identify training needs, and shall refresh such training on a regular basis;**
- **The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised or unlawful processing, accidental loss, destruction and/or damage.**

Dated.....

Signed.....

Sir Howard Bernstein (Chief Executive)
For Manchester City Council

Signed.....

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