

# DATA PROTECTION ACT 1998

## UNDERTAKING

Data Controller: Repair Management Services Ltd  
The Registry  
34 Beckenham Road  
Beckenham  
Kent  
BR3 4TU

I, Richard Holland, a Director of Repair Management Services Ltd hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

- 1) Repair Management Services Ltd 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 Repair Management Services Ltd 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 a director of the company, acting on behalf of the data controller, regarding the theft of a laptop computer. The computer, which was password protected but was unencrypted, contained data relating to some 36,800 data subjects, including details of 1,900 motoring convictions ("sensitive personal data" as defined by the Act). The computer was stolen when left in a secure, but unattended, motor vehicle in a public car park.
- 3) The data controller did not ensure sufficient security measures were in place to prevent the unauthorised or unlawful processing of the data in question. In particular the computer held data which was not protected by a minimum standard of encryption. The Commissioner has taken into account the fact that a proportion of the personal data in question related to criminal convictions and could therefore potentially result in distress being caused to the individuals concerned.
- 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 1 of the Act.
- 5) Following consideration of the appropriate 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 Schedule 1 Part 1 of the Act, and in particular:

- (1) The data controller shall take appropriate technical and organisational security measures to ensure the physical security of personal data being processed by it;
- (2) The data controller shall ensure that as soon as practicable, and in any event by no later than 1 March 2010, that 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;
- (3) The data controller shall implement such other security measures it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage;
- (4) The data controller shall ensure that staff are aware of the data controller’s policy for the storage and use of personal data and are appropriately trained on how to follow that policy. In particular staff should be made aware of requirement that portable data storage devices must provide encryption and password protection in respect of any personal data.

Dated.....

Signed.....

Richard Holland  
Director  
Repair Management Services Ltd  
The Registry  
34 Beckenham Road  
Beckenham  
Kent  
BR3 4TU

Signed.....

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