

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: London Borough of Barnet

North London Business Park
Oakleigh Road South
London
N11 1NP

I, Nick Walkley, Chief Executive of the London Borough of Barnet (the "Council"), for and on behalf of the Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. The London Borough of Barnet 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 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 of the theft of a laptop, USB sticks and CDs from the home of an employee of the data controller. The devices contained personal data relating to over 9,000 children in the data controller's local schools and members of their families. While the laptop computer was encrypted, the USB sticks and CDs were not, nor was any password protection in place.
3. The employee had downloaded the data onto the unencrypted devices without the authorisation of the data controller, but enquiries revealed that the data controller did not provide adequate staff training in data protection issues, nor was there any security measure in place at the time to prevent such downloads. The Commissioner had conducted an audit of the data controller (excluding security issues) prior to this incident and that report had also highlighted the lack of staff training.
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 physical or mental health or condition of the data subjects and criminal records. Personal data containing such information is defined as "sensitive personal data" under section 2 of the Act.

5. Following consideration of the remedial action that has been taken and proposed 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) 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 with access to personal data are made aware of the data controller's policies for the storage and use of personal data and are appropriately trained how to follow those policies;**
- (3) Compliance with the data controller's policies on data protection and IT security issues is appropriately and regularly monitored;**
- (4) The data controller shall agree to a further audit by the Commissioner within the current financial year, which will follow up previous recommendations and may cover the requirements of this Undertaking also;**
- (5) 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
Nick Walkley
Chief Executive, London Borough of Barnet

Signed
Mick Gorrill
Head of Enforcement
For and on behalf of the Information Commissioner