

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Tunbridge Wells Equitable Friendly Society
Limited t/a The Children's Mutual

Brockbourne House
77 Mount Ephraim
Tunbridge Wells
Kent
TN4 8GN

I, David White, Chief Executive of Tunbridge Wells Equitable Friendly Society Limited t/a The Children's Mutual (TCM), for and on behalf of TCM, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Tunbridge Wells Equitable Friendly Society Limited t/a The Children's Mutual 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 TCM 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 TCM in June 2010 regarding an annual account statement which was sent in error to an incorrect address. The statement contained confidential personal data relating to a child trust fund account.
3. In September 2009, TCM received notification of a change of Registered Contact for the trust fund account in question. The type of change required was classified incorrectly upon receipt. Moreover, the error was not subsequently identified upon processing. This led to the annual statement being sent to the wrong recipient on 20 May 2010, resulting in considerable distress to the family concerned. Enquiries revealed that the data controller had not implemented adequate reporting procedures to identify such discrepancies, and during the investigation into this incident, three other accounts were found to contain similar errors.
4. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provisions of the Act are the Fourth and Seventh Data Protection Principles. These Principles are set out in Schedule 1 Part

I to the Act.

5. 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 ensure that personal data are processed in accordance with the Fourth and Seventh Data Protection Principles in Part I of Schedule 1 to the Act, and in particular that:

- (1) All staff with access to personal data are made fully aware of the data controller's policies for the storage and use of personal data and are appropriately trained how to follow those policies, particularly in relation to the classification and processing of changes to account details;**
- (2) Where it is necessary to amend the details relating to the Registered Contact of an account, any such amendments are verified by a Senior Administrator or Team Leader;**
- (3) Regular reports shall be run in order to identify any address mismatches between Registered Contacts and the children they have parental responsibility for;**
- (4) 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.....

David White
Chief Executive
Tunbridge Wells Equitable Friendly Society Limited t/a The Children's Mutual

Signed.....

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