

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: West Sussex County Council

County Hall
Chichester
West Sussex
PO19 1RQ

I, Mark Hammond, Chief Executive of West Sussex County Council (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. West Sussex County 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 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 from the home of one of the data controller's home-based employees. The laptop, which was not encrypted, contained sensitive personal data relating to an unknown number of children and families involved in childcare proceedings. The police were informed but the computer has not been recovered.
3. Enquiries revealed that the employee had not received any formal data protection/IT security training and was unaware of how to access the data controller's secure network drive remotely, thus leading to the storage of personal data on the laptop's C drive. It was also discovered that over 2,300 unencrypted laptops were likely to be still in use across the data controller's various services, and, although encrypted removable media were available for staff, no technical measures were yet in place to enforce their use.
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. Personal data containing such information is defined as "sensitive personal data" under section 2(e) of the Act.

5. Following consideration of the remedial action that has been 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) All 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 are made aware of the data controller's policy for the storage, transportation and use of personal data and are appropriately trained how to follow that policy;**
- (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 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
Mark Hammond
Chief Executive
West Sussex County Council

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