

# **DATA PROTECTION ACT 1998**

## **UNDERTAKING**

Data Controller:                      Cambridgeshire County Council

Shire Hall  
Cambridge  
CB3 0AP

I, Mark Lloyd, Chief Executive of Cambridgeshire County Council, for and on behalf of Cambridgeshire County Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Cambridgeshire 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 Cambridgeshire County 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 informed by the data controller that an unencrypted memory stick containing sensitive personal data had been lost by an employee. The memory stick contained personal data relating to a minimum of 6 individuals considered to be chronically excluded and vulnerable adults. The personal data on the memory stick included contact notes and safeguarding meeting minutes about the individuals.
3. The employee was in possession of an approved encrypted memory stick issued free of charge by the data controller. The employee experienced technical problems when using the encryption function. As a result the employee used an unapproved and unencrypted device. It was noted that prior to the breach the data controller undertook a wide scale promotion of its encryption policy and actively encouraged staff to hand in unencrypted devices.
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 likely to be defined as "sensitive personal data" under section 2 (e) of 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 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 memory sticks 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) The data controller's policy for the use of portable media is made available to staff and staff are made aware of its provisions;**
- (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 Lloyd  
Chief Executive  
Cambridgeshire County Council

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