

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Godalming College  
  
Tuesley Lane  
Godalming  
Surrey  
GU7 1RS

I, David Adelman, Principal of Godalming College (the 'College'), for and on behalf of the College, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Godalming College 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 College 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 in early April that an email with an attachment containing sensitive personal data had been sent inadvertently to lower-sixth form students. The email should have been sent to their tutors and the sender had not intended to send the attachment, but merely a link to it.
3. Enquiries revealed that the data controller had made efforts to recall or delete the email, but some students had already saved or forwarded the attachment, and some media publicity resulted. The Commissioner formed the view that the data controller lacked adequate data protection policies and considered that further staff training was also warranted.
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. In light of the above, and the remedial action that has been taken by the data controller, it is also 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 (save where otherwise provided below) 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) The data controller shall draft and implement, by 31 January 2012, a formal policy covering the storage, transmission, use and disposal of personal data, to include IT security measures;**
- (2) Thereafter, all staff shall be made aware of the data controller's policy for the storage and use of personal data and appropriately trained how to follow that policy by no later than 29 February 2012;**
- (3) Compliance with the data controller's policies on data protection and IT security issues shall be appropriately and regularly monitored;**
- (4) Spreadsheets or other documents containing sensitive personal data relating to students shall only be provided to staff on a 'need to know' basis and shall not, in any event, be transmitted by email unless encrypted;**
- (5) All portable devices and removable media used for processing personal data, the loss of which could cause damage or distress to the data subjects, shall be encrypted using software meeting the current standards or equivalent;**
- (6) 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 Adelman  
Principal  
Godalming College

Signed .....  
Sally-Anne Poole  
Acting Head of Enforcement  
For and on behalf of the  
Information Commissioner