

## **UNDERTAKING**

Data Controller: The North West London Hospitals NHS Trust

Northwick Park Hospital  
Watford Road  
Harrow  
Middlesex  
HA1 3UJ

I, Ms Fiona Wise, Chief Executive of The North West London Hospitals NHS Trust, Northwick Park Hospital, Watford Road, Harrow, Middlesex, HA1 3UJ, for and on behalf of The North West London Hospitals NHS Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following undertaking:

1. The North West London Hospitals NHS Trust 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 North West London Hospitals NHS Trust 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 initially informed of the self reported security breach by the data controller on 27 May 2010. After further investigation by the data controller a final investigation report was provided to the Commissioner on 20 August 2010.
3. On 27 May 2010 a computer print out containing patient information, which was held in a general folder together with administration papers, was left on a London Transport Tube Train by a doctor employed by the data controller. Shortly after leaving the station the doctor realised the information had been left on the train and returned to inform the station supervisor of the matter. The documents were subsequently found by London Transport at the train's termination point and retrieved from that location by the doctor. The patient print out information had been extracted from a system belonging to the data controller and was to be used for audit purposes. The data controller has indicated that much audit

work is undertaken as home based working after normal working hours. Personal data and sensitive personal data relating to 56 patients, including patient diagnosis information, was included in the print out.

4. The Commissioner has considered the data controller's compliance with the provisions of the Act in 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 1 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 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 1 of Schedule 1 to the Act, and in particular that:**

- (1) Pseudonymisation techniques should be used where the unique identification of patients is necessary for audit work of this kind, in order to prevent incidents of a similar nature from occurring again.**
- (2) Only the minimum of pseudonymised patient information necessary for any particular audit should be printed off and used for home based audit working.**
- (3) A specific policy should be put in place to ensure such new pseudonymisation procedures are adhered to by those members of staff using print offs for this kind of audit purposes.**
- (4) The data controller shall implement such other security measures it deems appropriate to ensure that personal data is protected against unauthorised**

**and unlawful processing, accidental loss, destruction  
and/or damage.**

Dated.....

Signed.....

Fiona Wise

Chief Executive

The North West London Hospitals NHS Trust

Signed.....

Mick Gorrill

Head of Enforcement

For and on Behalf of the Information Commissioner