

## **DATA PROTECTION ACT 1998**

### **UNDERTAKING**

Data Controller: Rt Hon Oliver Letwin MP  
  
House of Commons  
London  
SW1A 0AA

I, Oliver Letwin, Member of Parliament, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Oliver Letwin 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 him 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 he is a data controller.
2. From a newspaper report in the Daily Mirror on 14 October 2011, the Information Commissioner (the 'Commissioner') learned that the data controller had been seen on several occasions in October disposing of documents in public waste-bins in St James' Park. An investigation then began to determine whether any of the documents contained personal data.
3. Enquiries revealed that among the documents were letters and emails from the data controller's constituents, including personal data such as their names, addresses, telephone numbers and email addresses, although in one instance there was some limited information about an individual's health problems.
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 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 case 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) The data controller shall only dispose of documents containing personal data in a secure manner, such as shredding, pulping or incineration;**
  
- (2) The data controller shall take note of, and comply with, the latest standards of data handling issued by the Cabinet Office for use in central government departments;**
  
- (3) The data controller shall implement such other security measures as he deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Dated

Signed .....

Rt Hon Oliver Letwin, MP

Signed .....

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