

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Stoke-on-Trent City Council
Swift House, Glebe Street, Stoke-on-Trent,
Staffordshire, ST4 1HP

I, John van de Laarschot, Chief Executive, of Stoke-on-Trent City Council, for and on behalf of Stoke-on-Trent City Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Stoke-on-Trent City 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 Stoke-on-Trent City 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 social services memory stick containing information about 40 children had been found by a member of the public in Hanley. The device was passed on to a local newspaper who then returned it to the data controller. The social services files on the device were extensive and included reports for Court and details of care proceedings.
3. There was a legitimate reason for this personal data to be on a memory stick but the one used was not an approved encrypted device. A contributory factor was a problem with the supply of approved devices to employees. In addition to being held on an unencrypted device, the data was not password protected.
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 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) Staff are aware of the data controller's policy for the storage and use of personal data and are appropriately trained how to follow that policy;**
- (3) 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.....

John van de Laarschot
Chief Executive
Stoke-on-Trent City Council

Signed.....

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