

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Sarah Phillimore

St John's Chambers
101 Victoria Street,
Bristol,
BS1 6PU

I, Sarah Phillimore, a barrister of law and Data Controller, of St John's Chambers, Bristol, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Sarah Phillimore is a 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 her 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. In November 2010 the Information Commissioner (the "Commissioner") received a report that Ms Phillimore had lost a quantity of sensitive personal data, property belonging to a County Council which she was representing in legal proceedings.
3. Ms Phillimore had been in possession of six folders of case papers required for her handling of a court case in November 2010. On conclusion of the matter she returned four of the folders to her chambers, it not being practical to return all six bulky folders at the one time. On the 13th November Ms Phillimore placed the two remaining folders in her motor vehicle intending to return those too to her chambers. However circumstances prevented this and she consequently left the folders in her vehicle, which was parked in a public street, overnight, intending to return them to her chambers on 14 November 2010.

4. On the morning of 14 November 2010 Ms Phillimore returned to her vehicle to find it had been broken into and the two folders of court papers stolen. A search of the area and police enquiries failed to recover any of the property.
5. 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 stolen 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.
6. Following careful consideration of the remedial action taken, and representations made, 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, or to issue any other sanction, 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, and in particular sensitive personal data, are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, in particular that:

1. Physical security measures are adequate to prevent unauthorised access to personal data. In particular data required to be stored over night, other than within the security of the data controllers chambers, must be subject to appropriate security and kept in a locked storage place;
2. 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 and also kept physically secure;
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.....

Sarah Phillimore
Barrister of law.
St John's Chambers
Bristol

Signed.....

Mick Gorrill
Assistant Commissioner, Regulatory Action Division
For and on behalf of the Information Commissioner