DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Council for Healthcare Regulatory Excellence

157-197 Buckingham Palace Road
London
SW1W 9SP

I, Harry Cayton, Chief Executive of the Council for Healthcare Regulatory Excellence (CHRE), for and on behalf of CHRE, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. The Council for Healthcare Regulatory Excellence 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 CHRE 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 two reports from CHRE in November and December 2010 regarding the possible loss of a number of hard copy documents containing the sensitive personal data of several individuals involved in three separate complaint review cases.

3. In November 2010, when CHRE came to review the cases, certain documents on each file could not be accounted for. Some of these documents included information about individuals' health and criminal convictions. It is not known for certain whether the paperwork in question was ever received into CHRE's offices, or if it has since been lost or destroyed. These incidents highlighted significant weaknesses in CHRE's document recording, administration and communication processes.

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 these incidents consisted of information relating to the physical or mental health and/ or criminal convictions of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(e)-(g) 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) All correspondence containing personal data sent between the data controller and regulators is adequately protected;

(2) The piloted system for logging and filing case documentation is implemented permanently, including any necessary improvements identified during the trial period;

(3) Personal data is not held for longer than necessary;

(4) 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;

(5) 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……

Harry Cayton
Chief Executive
Council for Healthcare Regulatory Excellence

Signed……
Sally-anne Poole
Head of Enforcement
For and on behalf of the Information Commissioner