

# **DATA PROTECTION ACT 1998**

## **UNDERTAKING**

Data Controller: **Freehold Community School**  
**Sidmouth Street**  
**Chadderton**  
**Oldham**  
**OL9 7RG**

I, Joyce Willetts, Head Teacher, of Freehold Community School for and on behalf of Freehold Community School hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Freehold Community School 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 Freehold Community School 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 laptop and paperwork containing personal information relating to 90 pupils was stolen from a teacher's car.
3. The unencrypted laptop and documents had been left locked in the boot of the teacher's car and was stolen while the car was parked at their home address overnight. The data controller was unaware of the necessity to encrypt portable and mobile devices, however did have a policy in place prohibiting the storage of hardware in cars if removed from the school premises.
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.

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) Compliance with the data controller's policies on data protection and IT security issues is appropriately and regularly monitored;**
- (4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful process, accidental loss, destruction, and/or damage.**

Dated.....

Signed.....

Joyce Willetts  
Head Teacher  
Freehold Community School

Signed.....

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