

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Asperger's Children & Carers Together

Sheffield Carers' Centre
7 Bells Court
Bells Square
Sheffield S1 2FY

I, Deborah Woodhouse, Director and Co-Founder of Asperger's Children & Carers Together ('ACCT'), for and on behalf of ACCT, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Asperger's Children & Carers Together 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 ACCT 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 a report of the theft of an unencrypted laptop computer containing sensitive personal data about the data controller's clients. The computer was kept at the home of an employee and was stolen, with other items, in a household burglary at Christmas 2010.
3. Enquiries revealed that the data controller's policies and procedures did not comply fully with the Act's requirements and the Commissioner's long-standing guidance about security of data on portable devices. The data controller was co-operative with the Commissioner's enquiries and has since put in place various new measures, including encryption of personal data.
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 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.
5. The Commissioner has further considered that, although the data included some sensitive personal data, this was limited in nature

and its disclosure would be unlikely to cause substantial distress to the data subjects. In these circumstances, the Commissioner did not feel that a civil monetary penalty was warranted.

6. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner also 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) Appropriate policies and procedures for the storage, use and transmission of personal data are implemented;**
- (3) Staff are made aware of the data controller's policies for the storage, use and transmission of personal data and are appropriately trained how to follow these;**
- (4) Compliance with the data controller's policies on data protection and IT security issues is appropriately and regularly monitored;**
- (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
Deborah Woodhouse
Director and Co-Founder
Asperger's Children & Carers Together

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