

# **DATA PROTECTION ACT 1998**

## **UNDERTAKING**

Data Controller: Wheelbase Motor Project

15 Foster Avenue  
Beeston  
Nottinghamshire  
NG9 1AE

I, Michael Clifford, Chief Executive Officer of Wheelbase Motor Project Ltd, for and on behalf of Wheelbase Motor Project, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Wheelbase Motor Project 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 Wheelbase Motor Project 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 about the theft of an unencrypted portable hard drive on 23 February 2011. The hard drive was used to back-up Wheelbase Motor Project's IT systems. The hard drive stored sensitive personal data relating to 50 Wheelbase service users, including sensitive personal data relating to racial origin, special educational needs, outstanding offences and child protection.
3. The format of the stolen hard drive was such that it would be incompatible with most desktop operating systems. The files containing sensitive personal data were password protected. As the sensitive personal data was limited in nature the Commissioner considers the risk of serious damage and distress to individuals from unauthorised access to be nominal. It was noted that the data controller proposed appropriate remedial action and intends to complete encryption of all back-up devices by 4 March 2011.
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 ethnicity and criminal offences of the data subjects. Personal data

containing such information is defined as "sensitive personal data" under section 2(a) and (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) Portable and mobile devices 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 processing, accidental loss, destruction, and/or damage.**

Dated

Signed .....  
Michael Clifford  
Chief Executive Officer  
Wheelbase Motor Project

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