

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: **Cherubs Community Playgroup**
Meredith Road Baptist Church
Meredith Road
Coventry
CV2 5JH

I, Ian Burton, Pastor and Trustee of Cherubs Community Playgroup for and on behalf of Cherubs Community Playgroup hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Cherubs Community Playgroup 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 Cherubs Community Playgroup 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 by the data controller. The laptop contained personal data concerning 47 families who used the playgroup, Sensitive personal data on the laptop consisted of ethnicity of the children attending the playgroup.
3. The playgroup's premises are located in a publically used building. During playgroup hours, additional security measures are in place to enable staff to monitor access to the building. The laptop was stolen out of playgroup hours, from the premise's office where it had been left under the desk. Following the incident, the data controller has taken substantial remedial action to minimise the possibility of repeat incidents.
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 stolen in this incident consisted of information as to the physical or mental health or condition of the data subjects, though deemed unlikely to be of the kind to cause substantial distress. Personal data containing such

information is defined as “sensitive personal data” under section 2(e) 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 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) Physical security measures are adequate to prevent unauthorised access to personal data;**
- (3) 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;**
- (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.....

Ian Burton
Pastor and Trustee
Cherubs Community Playgroup

Signed.....

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