

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Internet Eyes Limited

Lammas Park House
Priory Road
Dawlish
EX7 9JF

I, Tony Morgan, Managing Director of Internet Eyes Limited (IEL), for and on behalf of IEL, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Internet Eyes Limited 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 IEL 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 data controller operates a CCTV scheme to which various retailers have signed up. Under the terms of this scheme, the retailers' footage is viewed remotely by members of the public located in a different postcode area, who have also subscribed to the scheme. The stated aim is to identify potential shoplifting or similar crimes in real time. The footage is streamed from shop to viewer over the Internet via the data controller's servers, using the data controller's technology. The data controller accepts that images of identifiable individuals captured by CCTV cameras are considered to be personal data and therefore covered by the Act.
3. The Information Commissioner (the 'Commissioner') was alerted to a short video posted on YouTube showing the feed from one such camera, in which an individual was identifiable. Investigations then revealed that, at that time, the data controller did not maintain a full audit trail of user activity, nor was the video stream across the Internet then encrypted. The Commissioner was also concerned about several other aspects of the scheme, some of which had been raised in earlier correspondence.
4. The Commissioner has considered the data controller's compliance with the provisions of the Act in 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) Equipment and technology used to 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) A full audit trail of all user activity is implemented and the details retained for a sufficient period. The data controller must be able to identify individual named viewers of particular footage at any time;**
- (3) The siting of cameras must be carefully considered;**
- (4) Adequate checks are carried out on viewers prior to acceptance, to verify their identity, integrity and location;**
- (5) No viewer shall be allowed to view footage from cameras located in the same postcode district nor in any postcode district whose centre point lies within a radius of 30 miles from the viewer's registered location, to minimise the risk of identifying individuals (This provision shall take effect from 31 July 2011.);**
- (6) 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. In particular, these measures should be aimed at preventing the unauthorised dissemination of footage by viewers signed up to the Internet Eyes scheme.**

Dated

Signed
Tony Morgan
Managing Director, Internet Eyes Limited

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