

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: **Surbiton Children's Centre Nursery**
Alpha Road,
Surbiton,
Surrey
KT5 8RS

I, Penny Walton, Head Teacher, of Surbiton Children's Centre Nursery for and on behalf of Surbiton Children's Centre Nursery hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Surbiton Children's Centre Nursery 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 Surbiton Children's Centre Nursery 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 by the data controller with a report concerning the theft of a teacher's bag which contained an unencrypted memory stick and paperwork. Both contained personal data, potentially affecting 21 children. The personal data compromised included progress reports and educational plans.
3. A member of teaching staff had her bag stolen outside of the nursery's premises. The teacher had taken the documents and unencrypted memory stick off the premises in order to continue working at home. It has been noted that the data controller has taken a number of steps to minimise the impact of the breach, and have also reviewed current procedures and policies to prevent future reoccurrence.
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.....

Penny Walton
Head Teacher
Surbiton Children's Centre Nursery

Signed.....

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