

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: The Ipswich Hospital NHS Trust

 Heath Road
 Ipswich
 Suffolk
 IP4 5PD

I, Andrew Reed, Chief Executive of the Ipswich Hospital NHS Trust, for and on behalf of the Ipswich Hospital NHS Trust, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Ipswich Hospital NHS Trust 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 Ipswich Hospital NHS Trust 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 a security breach that occurred on 20 February 2011.
3. The breach involved the discovery of 29 patient records in a public place. The records originated from Ipswich Hospital, and contained sensitive personal data including operation details. The records were accompanied by a sheet of hand written notes. Upon further investigation it was determined that an employee took the records home to update a training log and subsequently lost them. The employee had recently joined the organisation and had received no information governance training.
4. The data controller recovered all sensitive personal data, mitigating the risk of serious damage or distress to individuals. However, the Trust was issued with an Undertaking for a similar breach in September 2009 and the Commissioner is disappointed that a second breach involving similar circumstances has been allowed to occur. It was noted that the data controller intends to complete mandatory information governance training for all relevant staff by 30 June 2011.
5. 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.

6. 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) Staff are aware of the data controller's policy for the storage and use of personal data and any gaps in training on how to follow that policy are addressed as a matter of priority;**
- (2) Access to personal data for non-clinical purposes such as education and training is appropriately and regularly monitored for compliance with the data controller's policies on data protection and IT security;**
- (3) Staff are aware that removing personal data from the data controller's premises whether manual or electronic without appropriate security measures is unacceptable;**
- (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

Andrew Reed
Chief Executive
The Ipswich Hospital NHS Trust

Signed

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