

# **DATA PROTECTION ACT 1998**

## **UNDERTAKING**

Data Controller: Ms Raisa Saley

New Court Chambers  
Temple  
London  
EC4Y 9BE

I, Raisa Saley, Barrister at Law and data controller, of New Court Chambers, Temple, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Raisa Saley is a 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 her 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 that she had lost a bundle of court papers while commuting by train on 17 March 2011. The bundle contained a quantity of sensitive personal data relating to several individuals involved in a care proceedings case. The sensitive personal data included details of ethnicity, family history, previous convictions and medical history.
3. The data controller took the bundle of court papers home in preparation for a court hearing the following week. The bundle was packed in a suitcase, which was left unlocked. The data controller forgot to take the suitcase with her upon leaving the train.
4. At the end of its scheduled journey that evening, the train on which the data controller travelled was decommissioned for repairs. It was stored at Bletchely depot where the suitcase was found by cleaners. The suitcase was held as lost property at the depot and returned to Bletchley station on 23 March 2011. The data controller was alerted to the recovery of her suitcase on 25 March 2011. During the intervening period, the

data controller made daily trips to Euston station's lost property department, in an effort to locate her suitcase, but without success. On recovering the suitcase, the data controller was able to confirm that the contents appeared to be intact and undisturbed.

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 ethnicity and physical or mental health or condition of the data subjects. Personal data containing such information is defined as 'sensitive personal data' under section 2(a) and (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) Personal data will not be removed from the security of chambers other than for a specific business need. Any personal data removed from chambers should be returned as soon as reasonably practicable.**
- (2) Physical security measures are adequate to prevent unauthorised access to personal data. In particular, personal data removed from the data controller's chambers shall be transported using a level of security appropriate to the harm that may result from unauthorised disclosure.**
- (3) If personal data is to be stored overnight other than securely within the data controller's chambers, it shall be kept in a secure, locked storage place.**

**(4) The data controller shall subscribe to the data protection policies and procedures adopted by her chambers and take all appropriate steps to comply with these at all times.**

**(5) The data controller shall implement such other security measures as she deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

Signed: .....

Raisa Saley  
Barrister at Law

Dated: .....

Signed .....

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

Dated: .....