

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: London Ambulance Service NHS Trust  
220 Waterloo Road  
London  
SE1 8SD

I, Peter Bradley, Chief Executive, of London Ambulance Service NHS Trust for and on behalf of London Ambulance Service NHS Trust hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. London Ambulance Service 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 London Ambulance Service 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 of an incident involving the theft of a personal laptop from the home of a member of staff. The laptop contained patient identifiable data relating to Patient Transport Services.
3. The personal laptop concerned was stolen from the home of an agency member of staff. The staff member had legitimate access to the records concerned but had emailed them to a personal account in breach of Trust policy. The information was then downloaded onto a personal laptop which was not encrypted.
4. The laptop contained personal data relating to patients including name, address, date of birth, NHS numbers and accessibility requirements for transportation. It did not contain medical records or diagnosis information. As this was a personal laptop, it was not encrypted. A lack of awareness of data security led the staff member to forward the

information to his personal email address for the purpose of working from home.

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 stolen 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. It was noted that this data was unlikely to be of the kind that would cause substantial damage or distress to the individuals concerned.
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, including agency staff, are aware of the data controller's policy for the storage, transportation and use of personal data and are appropriately trained how to follow that policy;
2. The data controller will regularly reinforce its data protection policies to all members of staff, in particular the Trust will reiterate the message that sensitive personal data is not to be circulated to staff or agency workers' personal email accounts under any circumstances;
3. 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.....

Peter Bradley  
Chief Executive  
London Ambulance Service NHS Trust

Signed.....

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