

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller:                   Holly Park School  
  
  Bellevue Road  
  Friern Barnet  
  London  
  N11 3HG

I, John Maxwell, Head Teacher, of Holly Park School, for and on behalf of Holly Park School hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Holly Park School 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 Holly Park School 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 with a report by the data controller of the theft of an unencrypted laptop containing personal data relating to nine pupils. The data controller was subject to a burglary on its premises during which the laptop was stolen. The laptop was stored in a locked filing cabinet but the office itself was not locked.
3. The personal data on the laptop contained details such as name, address, type of support given, attainment levels and a limited degree of sensitive personal data. It was found that the data controller had neither their own data protection policy in place nor had they adopted the policies provided by their governing council. The data controller has since taken thorough remedial measures to prevent any 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. 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 is noted that the data is not of a type likely to cause substantial damage or distress.
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, and in particular sensitive personal data, are password protected and encrypted using encryption software which meets the current standard or equivalent;
2. Appropriate policies and procedures for the storage, use and transmission of personal data within the school are implemented, this should include identifying an individual with responsibility for the governance of such policies;
3. Staff are aware of the data controller's policy for the storage, use and transmission of personal data and are appropriately trained how to follow that policy;
4. Physical security measures are adequate to prevent unauthorised access to personal data, particularly portable devices;
5. 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.....

John Maxwell  
Head Teacher  
Holly Park School

Signed.....

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