

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Newcastle Youth Offending Team

College Street Centre
College Street
Newcastle on Tyne
NE1 8DX

I, Barry Rowland, Chief Executive of Newcastle upon Tyne City Council, for and on behalf of Newcastle Youth Offending Team hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Newcastle Youth Offending Team 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 Newcastle Youth Offending Team 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 informing of the theft of an unencrypted laptop containing sensitive personal data. The laptop contained personal data relating to 100 individuals and sensitive personal data for 10 individuals.
3. The data controller had commissioned a data processor to deliver a youth inclusion programme. Whilst the programme was being undertaken, an employee of the data processor reported that a work laptop had been stolen from their home address.
4. The data controller did have an appropriate contract in place with the data processor which stipulated the need to encrypt devices containing personal data. The data controller had also taken reasonable steps to ensure the reliability of the organisation before employment. However, there was a failure to ensure that the data processor was complying with

necessary security measures on an ongoing basis.

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 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. The data controller shall take reasonable steps to ensure all data processors' contracted to act on its behalf comply with the principles of the Act;
2. The data controller shall ensure that all 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;
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 processing, accidental loss, destruction, and/or damage.

Dated.....

Signed.....

Barry Rowland
Chief Executive
Newcastle upon Tyne City Council

Signed.....

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