

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: **Poole Hospital NHS Foundation Trust**  
**Longfleet Road**  
**Poole**  
**Dorset**  
**BH15 2JB**

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

1. Poole 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 Poole 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 provided with a report by the data controller informing of the theft of two diaries, which belonged to a community midwife, each of which contained a degree of sensitive personal data
3. The midwife concerned had been asked to produce the two diaries from storage at her home address for audit purposes. It has been established that midwives are required to store such diaries at home in the event of needing to refer to them 'out of hours'. The diaries had been placed in the midwife's unattended car, outside her home address, and was subsequently broken into and diaries stolen along with other personal items. The diaries contained personal data relating to 240 past and present midwifery patients including name and address details along with details of previous visits.
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.

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. Both in the work place and in the home, physical security measures are adequate to prevent unauthorised access to, or loss of, such diaries and other personal data required to be kept by such a professional. In particular, personal data should not be left unattended in vehicles;
2. Staff are aware of the data controller's policy for the retention, storage and use of personal data and are appropriately trained how to follow that policy;
3. Hard copy documentation will contain the minimum amount of personal data required for its purpose and will be anonymised where possible;
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.....

Chris Bown  
Chief Executive  
Poole Hospital NHS Trust

Signed.....

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