

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Spectrum Housing Group

Spinnaker House
Grange Road
Christchurch
Dorset
BH23 4GE

I, Wayne Morris, Group Chief Executive, of Spectrum Housing Group, for and on behalf of Spectrum Housing Group hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

- 1) Spectrum Housing Group 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 Spectrum Housing Group 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) On 31 March 2011, Spectrum Housing Group contacted the Information Commissioner (the "Commissioner") to report an incident concerning personal data sent by email. The Commissioner was provided with a report explaining that a non-secure excel email attachment had been sent in error to an unintended recipient outside of the organisation. The attachment contained personal data relating to some 200 employees of the data controller. Initially it appeared to the data controller that the spreadsheet recorded a small amount of personal data. However it was later discovered that data within 'hidden' pivot cells forming part of the spreadsheet could be revealed.
- 3) The Information Commissioner's enquiries determined that the attachment did not contain sensitive personal data within the meaning of section (2) of the Act. Consequently, no

sensitive personal data was disclosed as a result of the error. Further, the unintended recipient was contacted by the data controller within 30 minutes of realising the mistake and it was confirmed that the email had been deleted.

- 4) The Commissioner's enquiries also revealed that the email was inadvertently sent to the wrong individual due to the data controllers' e-mail system automatically predicting the intended recipient based on previous sent messages.
- 5) Whilst the spreadsheet did not contain sensitive personal data on this occasion, at the time of the incident there was no clear policy in place in relation to the sending of personal or sensitive personal data by email. Further, it was neither policy, nor common practice for emails containing personal or sensitive personal data to be encrypted or protected by password. It has however been noted that the data controller has implemented a number of remedial measures to minimise the repeat of such an incident.
- 6) 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.
- 7) 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) Spreadsheets or other documents containing personal data shall be sent by email only when necessary. The minimum data required for the purpose will be sent and in particular pivot cells will be examined for unintended data;**
- 2) When sent by email, consideration should be given to implementing password or encryption controls to**

documents containing personal and in particular, sensitive personal data, All staff with access to company email accounts should be made aware of the risks of using auto suggested addresses when sending personal data by email;

3) Staff with responsibility for sending personal data by email should be informed of company policies in this regard. Compliance with these policies should be monitored regularly;

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.....

Mr Wayne Morris
Group Chief Executive
Spectrum Housing Group

Signed.....

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