

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Rochdale Metropolitan Borough Council

Municipal Offices
PO Box 109
Smith Street
Rochdale
OL15 9JQ

I, Roger Ellis, Chief Executive of Rochdale Metropolitan Borough Council (the 'Council') for and on behalf of the Council, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Rochdale Metropolitan Borough Council 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 the Council 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 of the loss of an unencrypted USB memory stick containing personal data relating to several thousands of the data controller's constituents. The USB stick had been used by an officer in the finance department to collate information required for the data controller's final accounts for 2010/2011.
3. Enquiries revealed that much of the information on the USB stick was already available in the public domain. However, the Commissioner's investigation also found that the data controller had not provided appropriate data protection training to staff, including the officer involved in this incident, and that its policies and procedures were in need of urgent review and updating. It was also discovered that the data controller did not provide staff with encrypted USB sticks, even where it was known that these would be used to process personal data.
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.
5. Following the investigation into this case, 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 or as otherwise specified below 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) All portable and mobile devices including laptops, USB sticks 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;**
- (2) The data controller shall review and revise its policies and procedures with regard to the storage, processing, transmission and disposal of personal data, and information security by no later than 1 December 2011;**
- (3) The revised policies and procedures referred to in (2) above shall be brought to the attention of all staff, who will receive appropriate training to allow them to follow these policies in their day-to-day roles by no later than 31 March 2012;**
- (4) Compliance with the data controller's policies on data protection and IT security issues shall be appropriately and regularly monitored;**
- (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
Roger Ellis
Chief Executive
Rochdale Metropolitan Borough Council

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