

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Ruth Crawford QC

Advocates Library
Parliament House
Edinburgh
EH1 1RF

I, Ruth Crawford QC, Advocate, hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Ruth Crawford 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 her 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 informed on 30 August 2011 of the theft, in summer 2009, of an unencrypted laptop from the study of the data controller's home. The laptop, which was not encrypted, contained sensitive personal data relating to a number of individuals who were involved in cases on which the data controller was instructed to act. It is likely that much of the data compromised by this incident would have already been in the public domain.
3. The theft occurred while the data controller was on holiday, having left plumbers to fit a new boiler at her home. The data controller provided the plumbers with keys and the code to her alarm. She highlighted the importance of keeping her front door locked and of activating the alarm when leaving the house. Upon returning from holiday on 3 September 2009, the data controller discovered that the laptop and a purse were missing from her study. She subsequently reported the matter to the police.

4. The Commissioner has noted that physical security measures were in place at the time of the incident, but that there was insufficient technical security employed on the laptop to protect the data.
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 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.
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) 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 by 31 December 2011;**
- (2) If personal data is to be stored overnight, other than securely within the data controller's place of work, it shall be kept in a secure, locked storage place;**
- (3) The data controller shall subscribe to any information security policies and procedures as and when they are implemented by the Faculty of Advocates or her stable, and take all appropriate steps to comply with these at all times;**

(4) The data controller shall implement such other security measures as she deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Signed:

Ruth Crawford QC
Advocate

Dated:

Signed:

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

Dated: